

H² Collection (manuscript)

App. F. IX-4

Previous References

1934.
(Lys)

File No. 48-34

Serial Nos. /

Later References.

PRESERVED

123

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. *One*

A manuscript
Part ~~R~~ for *Janey ss*

SUBJECT.

*Regulation no V of 1934 - a Regla further
to amend the Mysore Land Revenue Code;
1888.*

WD 01965--GPB-15,000-7-7-34

Dr. Abdul Aziz
12/3/35

THE MYSORE REPRESENTATIVE ASSEMBLY, 1980
 3rd. Dasara Session, 1933.

P r o m i s e .

L.R. 175-33-7
 Action taken.

(8) With regard to the representation
 hat disputes re. boundary marks may be
 rdered to be settled by the Survey Depart-
 ment instead of the aggrieved party having
 recourse to the civil court, the Dewan
 said that he would look into the matter

LS-57-99-1

(Representation No. 29).

Subs. for order as to whether the S. Supdt.
 may be consulted in this matter. A draft is in
 for consideration

23/12

After getting the views of the S. Supdt.
 (the R.C and the Law Sec H may be consulted
 if an individual encroaches upon his
 neighbour's land the Rev: Officers cannot
 under the existing law evict him from
 the encroached bit of land
 altho' they have power to restore
 the missing or destroyed boundary
 marks under the provisions of
 S. 132 and 133 L.R. Codes
 Dev: Sec 4)

8/10
22/12

Please Issue

10/12

26.12.33

26/12

9 No R 3185 D 3.11.34

2 To the Survey Supdt in Mysore

Forward a copy of the above promise
 made at the October Session of the R. A. and
 requests him to furnish his opinion on the
 subject.

SWS A.
1/11

2

File No.

57 of 1932/34.

1980
52/46General and Revenue
SecretariatSerial
No.

3

Letter No. 92 d 22 234 from the S. Supt.
stating that the present law on the subject
need not be changed & suggesting that the
question of affording some relief in the
lines of Mankotari's act in Bombay may
be considered.

It appeared the Rev. Com^r may also be con-
sulted forwarding a copy of the Supt's letter.
A draft is subd.

By Sd
2/3.

Miss Esau
2/3

R. 4420 by 8th March⁴
1934.

70

The Rev. Comm.
fals a copy of the
Survey Supt's letter and
calls for his views on
certain points.

Sus A

Letter No. 2050 d 4-5-34 from the Rev. Com^r
recommending that for reasons given a clause
similar to clause 21 of Sec 121 of the Bombay
P.R. Code may be added to Sec 129 of the Mysore P.R. Code.

No time limit seems to have been
fixed for the Collector's using his powers under
Sec 121 (2) of the Bombay Code as stated by the
S. Supt. in his letter d 22-2-34. Accordingly to this
amendment the Collector's determination

29-8

3.

Page 402.

Serial
No.

becomes final so as to oust the jurisdiction of the Civil Court (vide last para of Jagdebchar's Cde). The same action may also be commenced.

By (12) 5.

Under S. 127 L.R.C. the Dy. Commr. has power to make a final determination of ~~the~~ a dispute arising between the owners of neighbouring S. Nos. Concerning the boundary of between them with the help of the Survey Record and other evidence though his decision is final he has no power to enforce it.

Under S. 124 (2) of the Bombay L.R.C. the Collector has power to enforce his decision by summarily evicting any landholder who is wrongfully in possession of any ^{such} land. ~~which~~

S. 121 (Cl. 2) runs as follows:—

"Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the

44

3958

File No.

57

of 1933

General and Revenue
Secretariat

going of any person through or
under whom he claims.

The R.C. proposes the amendment
of the Mys L.R.C. by the addition of a
clause to S. 129. similar to clause
2) of S. 121 of the Bom. L.R.C.

The proposed amendment saves
the parties from resorting to Civil
courts in ^{cases of} petty boundary disputes.
On the interests of the agriculturists
is very desirable to sanction
the R.C.'s proposal

(Gen. Sec)

14/5

It is I think very desirable to
have the Amendment proposed in
our Regulation and the R.C.'s recom-
mendation may be adopted

First Member

Dewan.

I agree - if possible we can add a
clause about this in the R.C. Code
amendment bill coming before the
next R.C.

Dewan.

18-5-34

14-5-34

14-5-34

15/5

17/5

17-5-34

17/5

21/5

16 MAY 1934
No. 7381

OFFICE OF THE
FIRST MEMBER
16 MAY 1934
29066

Amendment of LR Code 5

General and Revenue
Secretariat

File No

57

of 1933

[App. F. III-2]

Serial
No.

A. Statement of objects & reasons is
sent for approval.

The file may be sent to the Protection
Branch for further action after approval of
the statement of objects & reasons.

By Secy
21/5.

Gen. Sec.)

may be approved.

21/5

First member.

approved - Please inform to
Council member accordingly

21.5.34. 21/5

21/5/34

Second member

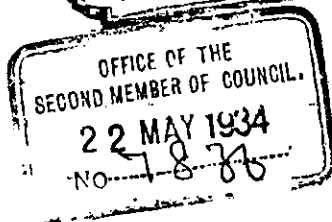
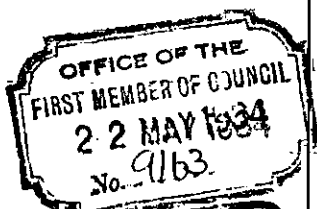
22.5.34. 21/5

I agree. I would suggest
that the R.C. may be asked to study
any other address to the Bombay LR
Code & recommend such of them as
are considered by him fit to adopt
in our Code

23/5

25.5.34

Council matters
may be submitted
to P. Member.
also.
21/5



66

Amendment of F.R. Code

395⁸

FR File No.

57

of 1934

General and Revenue
Secretariat

A draft letter to the Rev. Comr. is subd
A D & N. is also subd.

26/5

(Gen. Secy)
Ministry

27/5/34

First Member.

F.R. signed by Member

Genl.

28.5.34

by
28/5/34

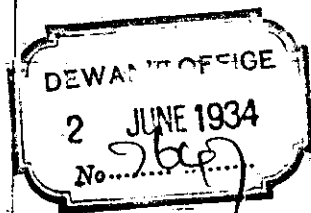
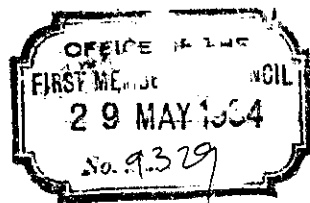
Dewan.

Genl.

1.6.34

des.

Am
2-6-34



Ull
20/5
G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

determinative

4420630

1 Statement of objects & reasons

~~A representation having been made in the R.A. of Oct^r 1933 that disputes re: boundary marks may be settled by the Survey Dept. instead of the aggrieved party having recourse to the Civil Court, the matter was from ~~not~~ taken up for consideration under Section 127 ^{the provision of} to 129 of the R.A. Code. The Rev. authorities have the power to enquire into & settle disputes relating to boundaries of Survey numbers at any time before or after Survey, & such a settlement will be determinative not only of the position of the boundary line but of the rights of the holders on either side of it also. But the Deft. has not been empowered to enforce his decision & evict a wrongful holder under Sec 209. The injured party has ~~therefore~~~~

8

to go to the Civil Court to get possession
of his land encroached upon in case
there is no voluntary relinquishment
Sec. 121 of the Bombay L.R. Code corresponding
to Sec. 129 of the Mysore L.R. Code has been
amended in 1913 vesting the power
of eviction in the Collector. It is ~~his~~
~~As the A. Comm. of 1933~~ his knowledge &
~~considered that the amendment of~~
the Mysore L.R. Code by the addition
of a clause to Sec. 129 similar
to clause (2) of Sec. 121 of the Bombay
L.R. Code. ^{this would} would satisfy the demand ^{expressed at the DLG}
^{amony of 1933}
for an expeditious remedy in cases
of disputed field boundaries.

and

21.5.34

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

[The Supt. is of opinion that it is not advisable to vest all jurisdiction in such matters in his department ~~but that~~ but that Revenue officers may be empowered to enquire into complaints of encroachments within a certain limit as in Bombay under the ~~Transfer of~~ Act.]

D 7 N
Settlement of Boundary Disputes
by the Survey Dept.

9

In the RA of Oct 1833 a representation was made that disputes re: boundary marks might be referred to be settled by the Survey Dept. instead of the aggrieved party having recourse to the Civil Court. A promise was made that the matter would be looked into. The Supt & the Rev. Comr. were asked to give their views on the subject. [The Rev. Comr. answers that] Under the provisions of Sections 127 & 129 of the Mys. L. R. Code, the Rev. authorities have the power to enquire into & settle disputes relating to boundaries of survey numbers at any time before or after the survey of ~~the~~ such a settlement will be determinative not only of the position of the boundary line but of the rights of the holders on either side of it also ~~however~~ But the Dep. Comr. has not been empowered

to enforce his decision & evict the
 wrongful holder ~~as provided for in~~
 the amended ^{investigating} section of the Bombay L.R. Code
 the Rev. Commr. suggests that the L.R. Code
 may be amended by the addition
 of a clause to Sec 129 similar to
 clause 21 of Sec 121 of the Bombay L.R. Code
 as this would satisfy the demand
 for an expedition remedy in cases
 of disputed field boundaries.
 His Grace's sanction
 of this proposal is therefore solicited
 to place the matter before the
 RA & the Legislative Council.

so to the Civil Court to get
 possession of the land encroached
 upon in case there is no
 voluntary relinquishment

2. With a view to get
 the existing state of affairs
 remedied, a representation
 was made at the Sasara
 session of the Representative
 Assembly of 1933 praying
 that disputes in re-
 spect of encroachment on
 private lands may be ordered
 to be settled by the Survey
 Department on the basis of
 their measurements instead
 of the aggrieved party being
 required to have recourse
 to the Civil Courts as at
 present and a promise was
 held out that the matter
 would be enquired into.

3. The Survey Sup^t who
 was consulted in the matter
 was of opinion that ~~there~~
 was no need to it was not

desirable to vest all jurisdiction in such matters in the Survey Department and
 that there was no need to change the present law on the subject. But he suggested
 the desirability of considering the question of affording some relief on the lines of
 the Mamlukdars' Act in Bombay.

4. The Revenue Commissioner, whose opinion was called for on the
 above suggestion of the Survey Sup^t, has expressed the view that, in order to satisfy
 the demand for an expedition remedy in cases of disputed field boundaries, the
 Mysore Land Revenue Code may be amended by the addition of a clause to Section
 129 similar to clause ^{(2) of Section} 121 of the Bombay Land Revenue Code, ^{which corresponds to Sec 121 of our Code} so as to vest in the
 Deputy Commr the power of eviction in case of wrongful encroachments.

5. I agree with the Revenue Commr in this view and think that a
 clause may be added about this in the Land Revenue Code Amendment Bill coming
 before the next session of the Representative Assembly. The Dewan agrees with me in
 this view and so does the 2nd Member who has also suggested the desirability of
 finding out from the Rev. Commr if there are any other provisions of the Bombay
 Land Revenue Code fit for adoption in our Code.

6. I solicit His Highness's gracious sanction to the amendment suggested
 above being placed before the Rep. Assembly & the Legislative Council.

//

Final Note by the First Member of Council.

Subject:—

Settlement of boundary disputes by the Survey Department.

Under the provisions of Sections 127 to 129 of the Mysore Land Revenue Code, the Revenue authorities have the power to enquire into and settle disputes relating to boundaries of survey numbers at any time before or after the survey and such a settlement will be determinative not only of the position of the boundary line but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been empowered to enforce his decision and evict the wrongful holder, and the injured party has to go to the Civil Court to get possession of the land encroached upon in case there is no voluntary relinquishment.

Page 1 of
5ffice Notes
With a view to get the existing state of affairs remedied, a representation was made at the Dasara Session of the Representative Assembly of 1933, praying that disputes in respect of encroachment on private lands may be ordered to be settled by the Survey Department on the basis of their measurements instead of the aggrieved party being required to have recourse to the Civil Courts as at present and a promise was held out that the matter would be enquired into.

W The Survey Superintendent who was consulted in the matter was of opinion that it was not desirable to vest all jurisdiction in such matters in the Survey Department and that there was no need to change the present law on the subject. But he suggested the desirability of considering the question of affording some relief on the lines of the Mamlatdars' Act in Bombay.

V The Revenue Commissioner, whose opinion was called for on the above suggestion of the Survey Superintendent, has expressed the view that, in order to satisfy the demand for an expeditious

remedy in cases of disputed field boundaries, the Mysore Land Revenue Code may be amended by the addition of a clause to Section 129 similar to clause (2) of Section 121 of the Bombay Land Revenue Code which corresponds to Section 129 of our Code so as to vest in the Deputy Commissioner the power of eviction in case of wrongful encroachments.

I agree with the Revenue Commissioner in this view and think that a clause may be added about this in the Land Revenue Code Amendment Bill coming before the next Session of the Representative Assembly. The Dewan and the Second Member agree in this view.

I solicit His Highness' gracious sanction to the amendment suggested above being placed before the Representative Assembly and the Legislative Council.

K. A. S. S. S.

Bangalore,
31st May 1934.

MEMBER OF COUNCIL.

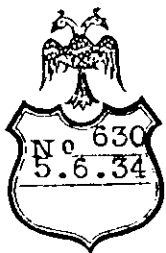
Submitted to His Highness.

*I submit herewith a Final Note by the First.....
Member of Council on the subject of.....the Settlement..
of boundary disputes by the Survey Department,.....
.....
for His Highness' gracious approval.*

Mirza M. Ismail
Dewan.

Bangalore,
2nd June 1934.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Settlement of boundary disputes by the Survey Department.

C. Key
M
7-6-34
RR
816/34

Order.

KHUP
6/6/34

Settlement of
boundary disputes by the
Survey Dept.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. P. Anand

Chief Secretary to Government.

Through the Secretary to Government,

Genl Department.

CH. 9.6.34

FIRST MEMBER OF COUNCIL. *CH. 11/6/34*

SECOND MEMBER OF COUNCIL.

1/12/13/6

Genl: Secy with Compliments.

RT

15/6

CH. 15.6.34

REPLY

OFFICE OF THE SECOND MEMBER
OF COUNCIL.

(To be written on this margin.)

NOTE.

Dated 9 March 1923.



Please see 7 Mys L J. p. 107
reporting a decision of the
Chief Court, as it then was
a limitation for recovery of
from inferior bodies.
There is an administrative
management. This is
not management. This is

Filed

Since the Bill has 6- against the view
the published note of the 27 Feb is p. No 11
- L.A. 329-22-4

8 to you in a meeting - para 3.
in words to the effect
for permission
the Bill may
also be approved

make careful
for note for the
(see committee)
it complt. by

Don

22/3

7/8/23

My letter to the
Deewan after the above

W

P.T.O.

REPLY -

3480
21

21/4

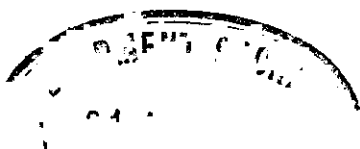
681/8

OFFICE OF THE
FIRST MEMBER OF COUNCIL.

(To be written on this margin.)

NOTE.

Dated 21-4-1933.



Mr. 21/4

21/4

for nos NO R 5085-93
LR 339-224 of 9-4-34

re recovery of dues
from various villas
under joint management
Please examine this for
with up to the muz
Refr in respect of
villas belonging to
muzrai with
be

be seen
with Compt

Subd.

The main file LR. 440-31. (Box 1869)
has been referred to the Law Secretariat for opinion.
This may also be sent there if approved.

27/4/33.

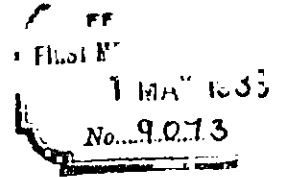
To Law Sec
with Compt
27/4

The main file is with me. I am
studying the question in all its bearings.
The matter is one of some difficulty
& requires careful scrutiny. It has
become necessary to understand
more fully the facts of the case reported.

in 7 mys L.T. page 107 in order to
find out exactly how far the
decision is to be accepted as
laying down the law authoritatively -
Some more time is therefore required
before the file is returned with the
legal opinion asked for.

Rev Dr }
with confs - }

mp
29.4.33



Sub

Cal 1/5 first value

cmh.
1.5.33

N
1/5

by
2/5

cmh.
2.5.33. P. 2/5

General and Revenue
Secretariat

LR File No.

4140

of 1931.

[App. F. III-2.]

Serial
No.

(now First Member)

~~117~~
Sub^d with reference to the Second Member's orders in para ~~1st~~ ^{supra} p. U.D.I.

2 ~~117~~ In the reported case Shama Subbiah vs. Subbiah (7 Mys Law Journal page 107) the arrears of rent due from the inferior holder (tenants) to the Superior holder (Inamdar) relate to the period prior to the assumption of management of the Inam village (Yedakola) by Govt. Whereas in the present case (Sanyasiah vs. all the arrears of rent due from the III. appallar (Raghunatha Rao) to the Sivaganga Matti belong to the period during which the Govt. contractors have been managing the estate. The Chief Court in the case referred to above, has opined that the provisions of the Land Revenue Code from Secⁿ 165 to 169 may be divided into two ^{distinct} stages, the first stage being the one in which the arrears of the rights of Govt. as managers ^{of the alienated village} on behalf of the Superior holder, are limited, but without prejudice to their paramount right in the matter of the public revenue due to them and the 2nd stage is said to ~~begin when~~ the right of management ceases and the village vests in Govt. free from all encumbrances subject only to the rights of the actual occupants of the soil. In the former case, that is to say so long as the village is under Govt. management their (Govt's) rights, except to the extent to which they ^(rights) are expressly provided for, are ^{said to be} those of a manager. Subject to the same limit prescribed for the Superior holder.

2/
2

2908

NR File No.

L440

of 1931.

General and Revenue
Secretariat

himself under Article 119 A of the Mysore
Limitation Regulation. In the opinion of that
Honourable Court, the Govt, when it ~~times~~ assumes
the management of an alienated village, can
exercise only the powers of the Superior-holder
in the matter of the collection of rents and profits due by
~~from~~ the inferior holders. This ^{if it is said was the} intention of the
Legislature. - in framing the Secⁿ 166 of the Land
Revenue Code ~~is established only that Govt~~
and ^{that is does} ~~not~~ give ^{Govt as managers} ~~the managing authority~~ greater
rights than those enjoyed by the Superior-holder
regardless of all time limit in the matter of
the collection of arrears of rents and profits
Six years time limit under Article 119 A
is ~~held~~ held to apply to such cases. This
decision of the Chief Court in 1928, is against
the view expressed by Govt, in this order
NR R 5085-93 LR 339-22-4 dated 9-4-1926
The Govt in the above order have laid down that
in the case of Inam villages ^{taken} under (Govt) their
management for the recovery of arrears of Govt
revenue - under Secⁿ 165 L R Code, there is
no limit of time for the recovery of the arrears, by summary process,
of assessment due by an inferior holder to
the Superior-holder, accruing after the assumption
of the management, that in the case of Inam
villages taken up temporarily under their (Govt)
management under Secⁿ 120 of the L R Code,
such as ⁱⁿ the ^{present} case ~~in hand~~, on the application
of the Inamdars, Govt having no more powers

flag y.
The file also is
- put up

2908

223

General and Revenue
Secretariat

LR File No. 440 of 1931.

[App. F. III-2]

Serial
No.

powers than ~~the~~ what the Inamdar possesses, can recover only arrears of 2 years; by summary process ~~while~~ and that arrears of more than two years have to be recovered by Civil Suit unless time barred; - the period of limitation in such cases being 6 years as per Article 119 A of the Limitation Regulation. So far as the first category of cases mentioned in the Govt. Order referred to above, the decision of the Chief Court in Shama Subbrah vs Subba Rao, goes against the view of Govt taken in that order, but with regard to the second category of cases, referred to by Govt - the decision of the Chief Court and the Govt view are concurrent.

7 Mys Law Journal
p 107

3) ~~tel~~ From the view point taken by the Chief Court, ^{regarding the provisions of Secs 165 & 169 of LR Code} the present (Sanyasahalli) case seems to belong to a separate category of cases not contemplated by the ~~Govt~~ ^{High Court Decision} dated 9-4-1926 as the village has been in the Govt. management from 23rd Dec 1893 and has not vested in them (Govt) under Sec 169 LR Code, ~~even~~ although the period of 12 years has elapsed.

4) ~~105~~ The Law Secretariat may be consulted as ordered in para 101 supra.

~~tel~~ 5) Please put up the file with to R.S.O.
14/3 of 11th Dec, 1915, or the nos of 1906 or 1907.

215/3ps

Re-subd

6) The files LR 360-14-2, LR 747-05-2

NOTE—Contn. Sheet.

LR File No.

440

of 1931.

General and Revenue
Secretariat

and LR 217-06-2 are put-up as ordered
in the previous para

22/3/33 7) This will if appd be added to the
L and Sec^y as ordered by the members

2d
22/3

8) G.O. dated 9th April, 1926
is now on the side dated 11th Dec^r, 1915.
In the latter order it has been held
that dues accruing from the inferior
holders during the term of management
are not recoverable but Land Revenue cesses
with is all the immediately attached
thereto, and that therefore the question of
any limitation of time for recovery
by summary process can not arise.
But since the contrary view has
been held by Govt in their order
dated 3rd Dec^r, 1907. It does
not appear that the Govt order was
considered by Govt before passing the
order dated 11th Dec^r, 1915. The Chief
Justice's decision on page 1078 Vol 7 of
the Mysore Laws Journal follows the
G.O. of 3rd Dec^r, 1907. Neither
the G.O. of 11th Dec^r, 1915, nor
the G.O. of 9th April, 1926,
seems to have been brought to
the notice of the Chief Justice then.

thy G.
thy P.

5411/32
2908

24
5

General and Revenue
Secretariat

File No. 440 of 1931

[App. F. III-2

Serial
No.

The point the question is 1928.

9) The language used in Sec 166 of the
Land Revenue Code is sufficient. It does not
say that the village will revert to full uncondition
the word used are "shall revert to
full unconditionally by the acts of the superior holder
or of any of the holders, or by any changes
etc. no fear on the part of revenue
is concerned, but without any prejudice
to the rights of the rights of individuals

10) The view of the word used in Sec 166
the thing must be in accordance with the G.O. of 1907,
but perhaps to be given effect to
and para 3 of the G.O. of 9th April,
1926, (the former portion) ~~to~~
~~the~~ modified.

11) 'Governer' 2/4/33

12) Law Secretariat.

12.4.33

2/4/33

13) The question is as regards the period of limitation
applicable to the recovery of arrears of rent or land
revenue due from inferior holders in Inam Villages which
are attached and taken under Government management under

p.t.o.

NOTE—Contn. Sheet.

239
Law

6 25

2908

LR File No.

440

of 193 1.

General and Revenue
Secretariat

under Section 165 of the Land Revenue Code.

14 As regards the arrears which have become due before the assumption of management by Government there is obviously no difficulty. Before the Land Revenue Code was amended by the addition of Section 96A, it was held by a Full Bench of the Chief Court in Subba Rao Vz. Veera Nayika reported in 11 Mysore Chief Court Reports page 118 that these arrears were not a charge on property and that the period of limitation applicable to a suit for recovery of such arrears was only 6 years under Article 120 of the Limitation Act. In accordance with this decision Government directed in their order of 3rd December 1907, in the case of Jodi Karadahalli Village that there cannot be a recovery of arrears of more than 6 years previous to the date of the taking of the Inam Village under Government management. They further stated that recovery from summary process under revenue law cannot be resorted to in the case of such arrears as they are merely - personal debts due to the Inamdar.

15) The addition of Section 96A to the Land Revenue Code and of Article 119A to the Limitation Regulation by Regulation V of 1912 made these arrears a charge on the land but did not enlarge the period of limitation applicable to their recovery. Neither the Government Order of 11th December 1915 in the Kudlur case nor that of 9th April 1926 contain any direction contrary to those of the Order of 3rd December 1907 regarding the recovery of arrears which have become due at the time of Government taking over the management of the Inam Village. It is only with respect to those arrears which accrue

Serial
No.

accrue during such management by Government that the Government Orders of 1915 and 1926 direct their recovery without any limitation of time. The argument in favour of this position is thus put in the Government Order of 1915: -

16 " The various incidents of attachment set forth in Sections 166 to 169 of the Land Revenue Code read with Section 120, indicate that the reversion of the Inam to Government temporarily restores it to its original condition of unalienated holding. The dues accruing from the inferior holders during the management are therefore not strictly speaking, rent but land revenue carrying all the incidents attached to land revenue in favour of Government. The question of limitation cannot therefore arise".

17 The then Government Advocate late Mr. C.S. Doraswami Iyer was consulted before the order of 1915 was passed and he observed as follows: -

18 " I am somewhat disinclined to state in such broad terms that the moment the village reverts to Government for temporary management, the entire rights which Government had over the village at the time of the alienation are re-vested in them. Such a construction is obviously against the tenor of Section 166 which only refers to the reversion with certain incidents. Nor am I inclined to view as correct, the equally broad proposition that Government during the time of management act as mere agents of the Inamdar possessing no more rights and powers than the Inamdar had or can exercise. If Government acted merely as agents they would be accountable for

p.t.o.

for the surplus profits that accrued during the whole term of their management but clearly they are not. In these circumstances I am of opinion that coercive process can be employed for recovery of arrears of revenue when due by ~~the~~ superior or inferior holders regardless of time but in respect of the recovery of what is strictly called rent such processes can be employed for the recovery of only six years arrears".

19 This introduces a distinction between rent and land revenue, a question on which there is some difference of opinion. Chief Justice Staley in M.C.C.R. 118 was of opinion that when Government revenue is assigned to a superior holder and is payable by an inferior holder, not to Government but to a superior holder, it ceases to be land revenue and becomes rent, while Mr. Justice H.V. Nanjundiah held that rent and land revenue used disjunctively in the definition of "superior holders" cannot have the same connotation.

20 In the Government Order of 9th April 1926 it is stated that in the case of Inam Villages attached and taken under Government management under Section 165 Land Revenue Code, the village reverts by the attachment to Government free of encumbrances. It is therefore inferred that the village is thereby restored temporarily to its original condition of unalienated village. The Government Order therefore directs that as regards the assessment by an inferior holder to the superior holder accruing after the assumption of the management, no question of limitation for the recovery by the Government by summary process arises and they can be recovered under

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under ^{the} Land Revenue Code without any limit of time.
to
If the assessment referred/in this order is not rent but
land revenue then obviously it agrees with the views
of late Mr. Doraswami Iyer quoted above.

21 It is necessary ^{now} to examine carefully the recent
decision of the Chief Court in Shem Subbayya Vs. Subba
Rao reported in 7 Mysore Law Journal page 107. In the
Office note supra, it is stated that the arrears of rent
due from the inferior holder to the Superior holder in
this case related to a period prior to assumption of
management by Government. If this were so, the decision
could hardly be said to be in conflict with the Govern-
ment Orders of 1915 and 1926; but from the printed
records of the cases got for the purpose from the High
Court ^{it is clear} that the question arose with respect to arrears
which accrued during the period of management by Govern-
ment.

22 The facts of the case are shortly as follows: -

23 The Inam village of Yedakola in Mysore Taluk was
attached under Section 165 in the year 1903 on account
of Inamdhar's inability to meet his liabilities to Govern-
ment. About two acres of land in this village original-
ly belonged to one Deviah who mortgaged them with
possession to Shem Subbiah on 11th July 1905. Subse-
quently Deviah sold the equity of redemption to Subba
Rao on 4th April 1906. Subba Rao redeemed the mortgage
on 9th April 1917. Under the mortgage it was the
mortgagee that was admittedly liable to pay the assess-
ment of the land. After Subba Rao redeemed the
mortgage it was found that certain arrears of kandeyam

p.t.o.

kandayam were due in respect of this land from 1904 onwards. In the year 1921 Government recovered these arrears of kandayam by coercive processes from Subba Rao. Subba Rao then filed a suit against Sham Subbiah for recovery of the money paid by him, which according to him was payable by Sham Subbiah. The re-imbusement was claimed under Section 69 of the Contract Act under which a person who is interested in the payment of money which another is bound by Law to pay and therefore pays it, is entitled to be re-imbursed by the other. One of the contentions of Sham Subbiah in the case was that he was not bound to pay those arrears as they were barred by limitation. It was admitted in this case that the amount which was recovered by Government from Subba Rao represented the rent payable by Sham Subbiah, an inferior holder to the Inamdar, as superior holder. It was also clear that if the inamdar was obliged to take action himself he could not recover more than 6 years arrears, whether the arrears were of rent or land revenue, as article 119A of the Limitation Regulation applies to both. The question therefore whether by attachment and the assumption of management by Government under Section 165, Government can recover the rent or revenue payable by the inferior holder to the superior holder, regardless of the limit of time imposed by Article 119A, directly arose for decision in this case. The case was heard by a Bench consisting of the late Chief Justice Mr. Doraswami Iyer and Mr. Justice Srinivasa Iyer. After examining the provisions of Sections 166 and 168 of the Land Revenue Code the learned Judges came to the following conclusions: -

24 " It seems to be clear that there are two distinct

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distinct stages - the first stage being the one in which the rights of Government are confined to the mere management of the village for and on behalf of the defaulters with certain definite rights and duties but without prejudice to their paramount right in the matter of public revenue due to them and the second stage is where the right of management ceases and the village vests in Government free from all encumbrances, subject only to the rights of the actual occupants of the soil. In the former case that is to say, so long as the village is under Government management, their rights, except to the extent to which they are expressly provided for, are those of a manager and as such they are in our opinion as qua managers, subject to the same limit prescribed on the superior holder under Article 119A, namely 6 years"

25 This decision of the Chief Court is certainly in conflict with the Government Orders of 1915 and 1926.

26 The decision also makes no difference between rent and land revenue and holds that the same period of limitation applies to both. The decision being the decision of the highest Court of the land is an authority and has to be followed till it is reversed either by a Full Bench or by competent legislation.

27 The view that the attachment under Section 165 is mainly directed to the protection of public revenue due to Government and that it does not prejudice in other respects the rights of individuals is a view which is also followed in Bombay under the corresponding Section 160 of the Bombay Land Revenue Code. In a decision reported in A.I.R. 1926 Bombay 410, it was held that the temporary attachment of a Village would not even

NOTE—Contn. Sheet.

even affect the other rights which the Inamdar might have independently of the right of management. The right to question an alienation which for its validity requires the previous permission of the Inamdar, was held to be unaffected by the attachment. It is difficult, in the face of this, to hold that by such attachment, the village is restored temporarily to its original condition of an unalienated village, as stated in the Government Order of 1926.

28 In my opinion the Government Orders of 1915 and 1926 have to be modified so as to be in accordance with decision of the High Court in 7 Mysore Law Journal.

29 Dev Secretary)

mp

13/5/33

30 First Member.

law.

Qtd 16/5. 15-5-33

31) This may be referred to the Rev. Comm for forwarding remarks & suggestions on the modifications required in the existing orders on the subject. The matter may be regarded as urgent.

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18/7/33

32) The Rev. Comm. with compliments.

1919 1933

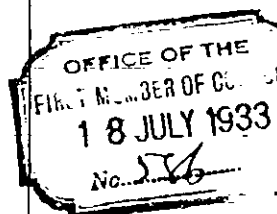
law.

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Qtd 18/7

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law.



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d 19-7-33.

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LR 440-31

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33) Returned with compliments.

21 OCT 1933

34) The Government Order of April 1926 following an earlier order of 1915, lays down that when an Inam village is attached and taken under the management of Government under Section 165, Land Revenue Code, it is restored temporarily to its original condition of an unalienated village and that the assessment due from the inferior holders in such a village could be recovered by summary process without any limit of time. The judgment of the Chief Court now under reference however shows that both the assumptions are incorrect and that it is not until the later stage contemplated in Section 169 is reached, that an Inam village taken under Government management reverts to the condition of an unalienated village.

35) The effect of the decision is to limit the recovery of kadayam by summary revenue process to a period of two years, and by civil suit to a period of six years. This will uniformly be the case in all Inam villages, whether they are managed by Inamdars or by Government, and irrespective, in the latter case, of the circumstances under which the management was assumed by Government. The Government Order of 1926 has to be modified so as to make this clear.

36) The existing provisions in regard to the recovery of revenue in Inam villages have been felt to be unduly restrictive, and the Inam Committee of 1933 has recommended that the right of recovering arrears through revenue process might be extended to six years. This recommendation was made primarily in the interests of Inamdars, although the advantage that would accrue from it to Government for collection of revenue in villages under Government management was also kept in view. The decision of the Chief Court now under consideration shows that Government do not enjoy a privileged position even in the one case where such a position has been assumed to be axiomatic

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✓ 1 ✓

- 2 -

and makes the acceptance of the Inam Committee's recommendation all the more necessary, if Government (equally with Inamdars) are to possess reasonable facilities for the management of Inam villages - facilities, it may be added, similar to those now available to Government under the Muzrai Regulation.

N. M. S. D. S. D.

9-10-1933.

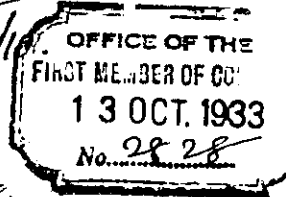
Revenue Commissioner.

37) First Member.

Co.

C.M.
13-10-33

13/10



This may then be taken

38) A draft amendment to be made to the Inam Act (1925) to rectify anomalies of inam rights for a period of 6 years of revenue process may be put up for consideration with Law Sect

by
14/10/33
14/10

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R.31¹⁵Serial
No.

Subd with reference to para 38 supra

39) Section 97 of the Land Revenue Code providing for Govt Assistance in the matter of the recovery of rent or land revenue payable to Superior holders (Inamdars) of alienated villages by inferior holders, appears to be the only Section requiring amendment. When the Code was amended in 1912 (by Regulation IV of 1912) the proviso to Secⁿ 97 dealing with the provisions in regard to the time-limit within which the superior holders could recover their dues by Summary process from inferior holders, was altered by the substitution of the words "within two years from the end of the revenue year or ^{within} the year of tenancy" for the (then existing) words "within the revenue year or the year tenancy". It is for kind consideration whether the same procedure may be adapted now and the word "Six" may be put in place of the word "two" in the 2nd line of the proviso to Secⁿ 97 L.R. Code.

B.

40) Section 12 of the Muzrai Regulation (No. VII of 1927) is analogous to Secⁿ 97 of the Land Revenue Code and the proviso to the former ^{Section 12 of Muz. Regulation} ~~extending with the limitation~~ limits of time to six years. period within which the arrears of rent or revenue could be recovered and is worded as follows: "Provided that the said arrears of rent or revenue shall not relate to a period more than six years prior to the institution of proceedings under this Regulation (Muz. Regⁿ)."

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As an alternative to the above wording (of the proviso to of Muzrai Regulation). May be adopted and the sentence of the proviso to Sec 97 of L.R. Code, be suitably amended in the following way, if approved

"Provided that such application be made for recovery of arrears of rent or revenue relating to a period not more than six years prior to the end to the revenue year or the year of tenancy in which such application is made"

41) The Inam Committee in their report dated 26th Aug 1933 have also referred to the matter in question. They state that, in order to further improve the position of the tenants and in the interests of the inamdars also, better facilities should be given to the latter for the collection of rents due to them. In this view they (Inam Committee) recommend among other things "that the period of two years fixed in the proviso to Section 97 L.R. Code for recovery of rent or land revenue from tenants in an inam village by revenue processes should be raised to six years in cases in which the rent or land revenue is payable in cash, the existing provision remaining unaltered in the case of payment of rent in kind."

42) "A necessary corollary of the above recommendation" the Inam Committee state "is that by the extension of time proposed for the recovery of the inamdars' dues through revenue

para 19 of the
Inam Committee Report

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revenue process, the Govt will also be enabled when they take villages under Govt. management under Secⁿ 119 (a) of the Land Revenue Code to collect arrears more easily. The Govt. Officers will thereby automatically have power to recover from the tenants summarily through revenue processes. Six years dues - instead of two years' arrears -

The worry and vexation to ryots, and the delay and complexities in procedure will all be avoided if both the inamdars and the Govt. are given authority to recover six years' dues through revenue agency under Secⁿ 97. Of course, the rights of parties to challenge the decision in a Civil Court will not be affected by the conferment of the powers proposed above.

43) The Inam Committee Report is being worked up in ^{separately} another Section (Inam Section). In the mean while, the question of Amending 97 L.R. Code may be taken up and the Law Secretariat may be consulted (vide para 38 supra) in the matter.

Ed.
13/11/33.

44) The proposal involves the Amendment of S. 97 L.R. Code and it has to go before the Legislative Council. Law Sec^y may be consulted as regards the suitability of the amendments.

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of 1931.

General and Revenue
Secretariat

Proposed at A or B. (para 39 & 40).

Dev Secy

S/10
15/11/33

45) Law Committee

LAW
15/11/33 S/10
16/11

46) If the rent is payable not in cash but in kind, the Income Committee do not recommend the period fixed in Sec 97 & R. Code to be enlarged. ~~It is for order~~ whether in the draft amendment now to be put up, this recommendation is to be accepted.

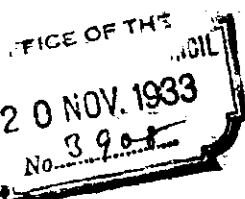
The amendment as proposed at 'A' or 'B' does not make this distinction ^{but} gives a period of 6 years for recovery of rent, whether it is payable in cash or in kind.

Development Branch
15/11/33 Secretary

me
17/11/33

47) The recommendation of the Income Committee may be accepted and the period of six years made applicable to rent payable in cash only.
First member.

S.

LAW
17-11-33. S/10
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Law

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No.

48) *Murice, Law Secy*
Spoken to me by
23/11

49) Submitted in person. The member was pleased to observe that the amendment now proposed of sec 97, would cover a larger ground than what is now absolutely necessary. The recommendations of the Inam Committee may be reserved for future examⁿ & the amendment now to be made may be confined to ~~expressing~~ enabling recovery of 6 years rent being made, when in am villages are under joint management under sec 166 of the L.R. Code.

50) I have reconsidered the matter in the light of the above instructions and think that to carry out the purpose in view, it is sufficient if a section, say sec 166 A, is added on to the L.R. Code, ~~on~~ on the lines indicated below:-

51) "Notwithstanding anything (the proviso to) contained in Section 97 of this Regulation, the Deputy Com^r or the agent or officer so appointed shall during such management be entitled to recover under the provisions of this Chapter

added in accordance
with the second Member's
suggestion in para
6 of the notes.

39
29

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Secretariat

the rent or land revenue ^{due} payable by
inferior holders or by "Coshagars" in their
holdings, provided that proceedings
for such recovery are taken within six
years from the end of the revenue
year ~~in which the said rent or land revenue~~ ^{for}
which the said rent or land revenue
became ~~payable~~ due."

} This is taken from
the third column
of art 119A of the
Limitation Regn
1908
12/12

52) Since the benefit of the enlarged
period is here restricted only ^{to cases} when the
village comes under Govt management,
it is not necessary to make any distinction
between rent payable in cash and
that payable in kind. Govt may in all
cases recover 6 years arrears by Summary
process & need not go to a civil court
for relief.

Dev Seng)

me
12/12/23

53) First member.

W.H. S.H.
13.12.33

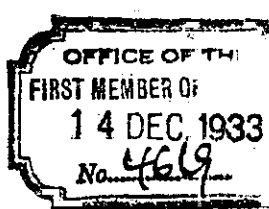
54) I think the above seems the
suitable - the opinion of the
magistrate

15/12

55) Forwarded with compliments
to the Revenue Commissioner

W.H. S.H.
15.12.33

184
Law



15/12/33

3480.
32/33

General and Revenue
Secretariat

[App. F. III-2

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No.

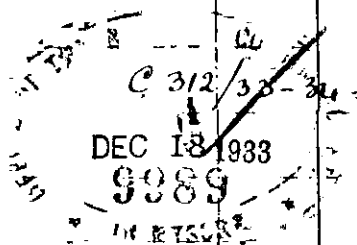
in Mysore for opinion.

L.O. No. 46/33-34

D. 16.12.33.

G. Mallikarjuniah
for Development Secretary
to Gov.

16-12-1933.



56) Returns with compliments as far
as villages under Govt management are
concerned, the proposed amendment appears to
be suitable

M. Adyanarayana
21/12/33

57) First member.

Dist.
26/12/33

58) The question of legislation with regard to the
main committee's report will take some time
to make this measure is one that should
not be delayed if it is desirable to introduce it
in the next session of the assembly.
Please submit to Dewan by

26/12/33

59) Dewan.

Dist.
27/12/33.

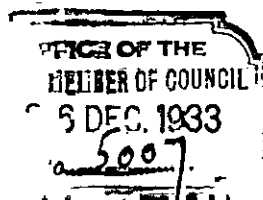
60) Mr
28-12-33

Dist. G.O.
24.12.33 26/12/33

61) This is a Council matter
Dev. Secy)

G.O.
2-1-34.

DEWAN'S OFFICE
4154
28/12 1933



22) 4/

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File No.

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of 1931..

General and Revenue
Secretariat

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No.

-b2) Chief Secretary with compliments.

cut

21.34

C/No.
2/1

-b3) C.S.

C.S.

Rs.

3/1/34

For Disposal by Circulation

No. C. ²³⁾ 170 ⁴

1933/4

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

64) question of amending the Land Revenue Code, so as to enable recovery of 6 years' rent or land revenue from tenants in Inam Villages under Government Management.

Circulated to the Members of Council

By Order,

R. Rangala

4th January 1934.

Chief Secretary to Government.

65)

First Member of Council

(Leen)

66)

Second Member of Council

I would suggest a very slight

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4/1/34

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General and Revenue
Secretariat

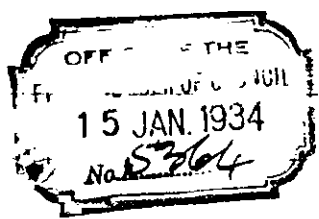
File No. LR 440 of 1931.

[App. F. III-2

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No.

Verbal amendment, by introducing the words in the proviso to Sec 97 at the beginning of the draft. It would read 'Notwithstanding anything contained in the proviso to Sec 97' The object is to confine the amendment more specifically to the point of limitation. The earlier part of Sec 97 contains some matter. Such as exemption of Sec 143 etc which it is not the object to touch.

67) I have discussed this with A S Law also



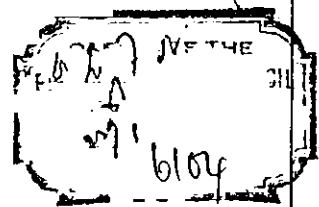
for
12/1

68) Sec. 97 with
ampt

12/1
13/1

Pro- for
little ampt (13/1)

15/1/34



69) First member. Put up with the suggested by the committee for the submission to the law member.

14/1
13.1.34
13/1

70) I am quite agreeable to this

19/1/34

71) Subd with D.F. N

19.1.34
22/1

5/2/34

22) Dev; Sec 97

5/2/34

73) First member.

18/2

25) 44

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32-22

File No. LR 440 of 1931.

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Secretariat

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No.

74) Instructions received from the I Member.
"Please revise the dft as instructed
and submit to-morrow."

75) Subd with revised draft
Cto. 1/2/34

P. 8/2/34

76) Dev: Sec 4)
77 First member.

Cto 8/2

78) 7. N. Signed by Member.

Ust. P. 2. 8/2
P. 2. 8/2

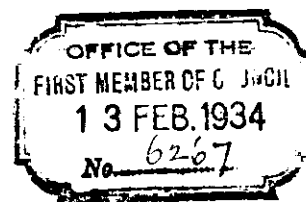
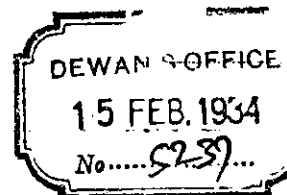
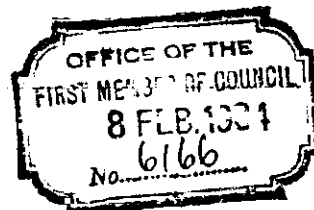
Cto.
13/2/34

79). Dewan.

Ust. Cto
14.2.34. 14/2

60)

122
15-2-34



revenue. It is therefore considered necessary to amend the Land Revenue Code by inserting a new Section, Section 166A, as follows:-

"Notwithstanding^{ing} anything contained in the proviso to Section 97 of this Regulation, the Deputy Commissioner or the Agent or officer so appointed shall, during such management, be entitled to recover under the provisions of this chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due".

Page 2,
J. N. I.

The Revenue Commissioner who has been consulted in the matter has said that so far as villages under Government management are concerned, the amendment here proposed is suitable. The Dewan and the Second Member of Council also agree to this proposal.

I solicit His Highness' gracious sanction to a bill to amend the Land Revenue Code as proposed above being placed before the Representative Assembly and the Legislative Council in due course.

Bangalore,
13th February 1934.

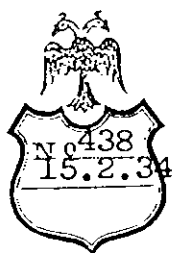
K. M. A. M.
MEMBER OF COUNCIL.

2847

cfv)

Muz. M. Amal
Dewan.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Question of amending the Land Revenue Code so as to enable recovery of six years' rent or land revenue from tenants in Inam villages under Government management.

438

C. Kay 231

ms

17-2-34

R3
19/2

Order.

KRUP

16/2/34

26)49

C 170

General and Revenue
Secretariat

Question of amending
the L.R. Code, so as to enable
recovery of six years' rent
or land revenue from tenants
in tramm villages under
Govt management.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

8/2/24

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. Rangab

Chief Secretary to Government.

Through the Secretary to Government,

Deu Department.

W.H.
19.2.24.

6405
19.2.24

FIRST MEMBER OF COUNCIL.

by 9/2/24

5276
20/2

SECOND MEMBER OF COUNCIL.

Secy to Govt:
Development Dept.
with Compliments

for 20/2

Cto
22/2

R.B.
22/2

2676/337 31/80
p

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General and Revenue
Secretariat

File No. *SR 440* of 1931.

[App. F. III-2]

Serial
No.

Subd

45) Statement of objects and reasons
is put up. The file may now be
transferred to the Pro Branch for
further action

1/3/34 (Gen. Sec.)

1/3/34

First Member.

1/3/34

46) File returned by the Member to me
with instructions to revise the Df

7/3/34

Revised Df submitted.

47) *10/3.* Draft of Bill & accounts
approved. Further action may be
taken. Please to be kept in
the L.C.

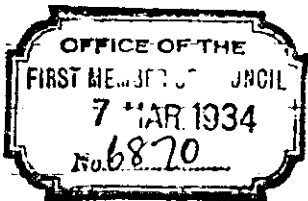
10/3/34

10/3/34

To Law Sect
for Compl

*Legis
13/3/34*

47) *Subd.* A draft Bill is herewith put up.
The proposed legislation has been



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p

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General and Revenue
Secretariat

File No. *L R 440* of 1931.

[App. F. III—2

Serial
No.

Sub-d

85) Statement of objects and reasons
is put up. The file may now be
transferred to the Pro Branch for
further action

1/3/34

(in sec.)

1/3/34

first member.

1/3/34

6/3

8

File returned by the Member to me
with instructions to revise the Dft.

7/3/34

Revised Dft submitted

10/3

86) *Mask of Bills & accounts*
approved. Further action may be
taken if there is no objection
from the L.C.

10/3/34

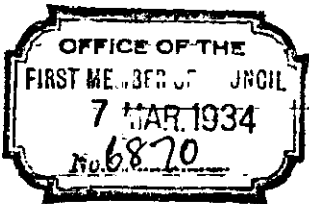
10/3/34

To Law Sect.
for Compls)

legis
13/3/34

87)

Subd. A draft Bill is herewith put up.
The proposed legislation has been



51

2676

Bill further to amend the Land Revenue Code

File No.

of 193

General and Revenue
SecretariatSerial
No.

approved by L.H. De Labarajie
as required by the C.O. of 16.7.1930.
Under para (c) of the said
C.O. the statement of objects
and Reasons which has been
approved may be adopted as
the statement of General Principles
for being placed before the
R.A. & approved copies will
be got typed and sent to
R.A. office

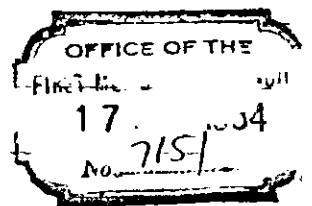
done
12/3
11/3/32

98)

14
one
15/3

99) Since the L.C. will commence
on 25th June, & so 39 requires 15 clear
days for publication, the Bill will have
to be published in the Gazette & copies sent
to members even before the R.A. meets.
Consequently we cannot wait for publishing
the Bill till the opinion of the R.A. is
ascertained as is usually done.
If approved, the Bill will be published in
the Gazette & copies sent to the L.C. members
in due course as required by the Rules & O's

the meeting
wait



18 Member)

6
15/7/32

90) 45 to
17/7/32

17.7.32

619/5/32

51

2676

Bill further to amend the Land Revenue Code.

File No.

of 193

General and Revenue
SecretariatSerial
No.

approved by Lt. The Maharaja
as required by the G.O. of 16.7.1930.

Under para (c) of the said
G.O. the Statement of objects
and Reasons which has been
approved may be adopted as
the Statement of General Principles
for being placed before the
R.A. & approved copies will
be got typed and sent to
R.A. office

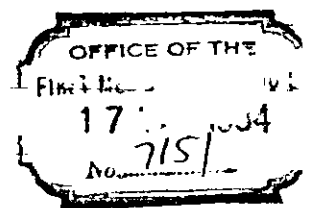
Done
12/8
1930

98)

7/9
one
15/3

99) Since the L.C. will commence
on 25th June, & so 39 requires 15 clear
days for publication, the Bill will have
to be published in the Gazette & copies sent
to members even before the R.A. meets.
Consequently we cannot wait for publishing
the Bill till the opinion of the R.A. is
ascertained as is usually done.
If approved, the Bill will be published in
the Gazette & copies sent to the L.C. members
in due time as required by the Rules & Co.

the members
wait



(18 Member)

6
15/7/30

95) 7/7/30

17.3.30

6/9/30

2676 ✓ 52

Bill to amend the Land Revenue Code

General and Revenue
Secretariat

File No.

of 193

[App. F. III-2]

Serial
No.

91) The Bill will be published under Rule 8 of
The L.C. Rules

Dewan)

62 27/8/34

92) Mo
2-4-34

62 27/4/34

93) The file will be sent to L.C. Office
for taking action to publish the Bill
and to place the Statement of Objects
and Reasons before the D.A.

3/4

94) yes
L.C. Office

95) Three copies of the Bill together with the statement
of Objects and Reasons, ^{as finally approved} may, as usual, be kindly
sent for taking further action in the matter.

Prot. B. with complete)

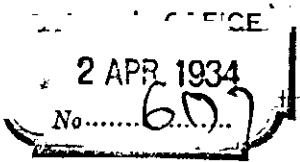
96) 5/4/34 Q Typed extra copies placed in file and
sent to L.C. Office

Don
6/4

6
7/4

97) Have copies taken & file put

7/4/34 Q Potbury (W.C.)



NOTE—Contn. Sheet.

A. A. G. P. S. 15.34

5596/33

(3)

Bill further amends L. R. Code.

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2]

Serial
No.

98) The Bill has been published under Rule 8 of the L. C. Rules of Business.

Since Art. 18 of the Treaty has been abrogated, it is no longer necessary to forward copies of Bill to the Residence.

~~The following motions are~~
~~to be~~ to regard the need to be included in the agenda for the meeting of the L. C. it is noted that since the House is a small one it is perhaps unnecessary to refer it to the Select Committee. If this course is approved the Bill may be passed at one sitting. Send for orders.

Done
17/4 . 99/ Draft motions may be put up
6/1/4

100) The following motions are suggested for approval

(a) Motion that the Bill, published under Rule 8 of the rules of business be read in Council

(b) Motion that the rules of business be suspended and the Bill be taken into consideration at once without

54

Bill further

5596
attend L. D. Code

File No.

of 193

General and Revenue
SecretariatSerial
No.being referred to a Select Committee
and passedHence the first number
Second the General Secy

Encl

Date
18/4Gen Sec 1
(First Number)

Ce

18/4/34

18/4/34

101) This will have to be a
Select Committee - by

20/4/34

Ce

19/4

C.H.N.

10/4/34

Ce

27/4/34

102) The following revised motions are
suggested:(A) Motion that the Bill published
under Rule 8 of the Rules of business
be read in Council(B) Motion that the Bill be referred
to a Select Committee.Hence the first number
Second the General SecyDate
27/4

18 Members)

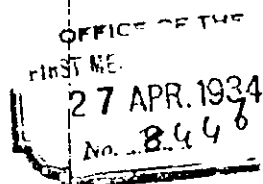
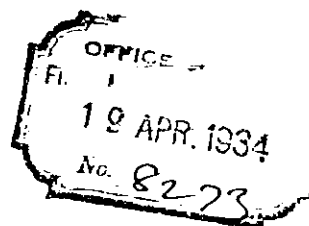
Ce
27/4/34

104)

103)

by
20/4L.C. price for 2000
2000/1000
2000/1000C.H.N.
30/4/34

Ce 30/4



Bill to amend the L. R. C.

5536

55

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2

Serial
No.

105)

Noted and paid to the Prot. B.
with Compt.)

30/4/34 Q ✓

L. C. S.

NOTE—Contn. Sheet.

DGR 56

Serial
No.

OFFICE OF THE SECRETARY
28 MAY 1934
- REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

106. Sub 3 copies of "Objects & reasons" in connection with the amendment of Sec 129 of the PR Code are herewith put up for being sent on to the RA Section as the subject has been ordered by the Member & Dewan to be placed before the next RA + Legis. Council. (The file has been OK'd with a D & N. today).

28/5 To RA Secy (107) -
W.C. Secy, R.A. + L.C.

28/5/34

Ed
28/5

108) A Copy has been sent to the press & proof called for & another copy has been forwarded to the Translation Section for handling the same. Delts for information

BUN

28/5

109/ Phase get this file

28/5

110) Some slight verbal changes have been made in the Statement of General Principles. The 1st Member has approved of them. The amendment of Section 129, & the ^{revision} ~~amendment~~ of Section 166 A which has already been published may go together in one Statement of

57

6376/33
P878

P878

File No.

of 193

General and Revenue
Secretariat

General Principles for the R.A.

111) A revised note may be issued
for the L.C. future in two sections
one Bill

le
31/5/34

112) The two statements of general principles have
been combined & forwarded to the press. This may
now be forwarded to the Protection Branch for
further action

B.M.
31/5
Protection Branch
(with C.C. 111)
31/5

113) Sent with revised Bill. The
Bill after approval will have to
be published under Rule 8

Done: M.M.
31/5

114) The amendments to the
two sections are combined one
Bill. This will be published
under Sec 8 of the L.C. Rules.

18 Member)
Dewan)

le 1/6/34

115) 1/6/34

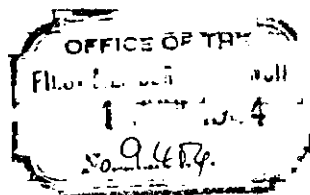
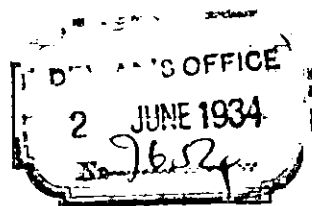
le
1/6/34

116) M
2-6-34

8d

5/6/34

457670



6376
P

58
78

Serial
No.

*
No 5987/L.B. dated 5th June 1934. for publication
in the Gazette dated 7th June 1934 under Rule 8 of the
L.B. Rules of Business.

117) notes and returned to Protⁿ Bⁿ (C. Ampts)

b.6.34

118) The motions already included
as per para 102 Supra may
remain, if approved

Done
7/6/34

119) 7/6
Ce

7/6/34

W.V.

17.6.34

120)

This matter sent to the RA Section for putting up
an extract of the proceedings relating to this
subject. The file relating to para 1 of the draft bill is linked
herein.

R.A. Secⁿ

W.C. Secⁿ

Theobald Secⁿ

18/6

121) Kind reference is invited to the last

2 paragraphs of the proceedings relating to this

subject. It is stated that first, before taking

power to collect 6 years' revenue only in cases

in which the claim was subsequent to first

taking over management & that this power

would not have retrospective effect in general prin-

ciples of the bill were passed with this notification.

This may be sent to the Protection Branch for verifying

the draft. Section 166 A in the bill (W.C.)

WD 01536-GPB-7,500-5434

18/6

Protection
Branch

122)

20/6/34

*
Safe not found in the
file while recording
20/6/34

Don

The B.A. Office

Don mind note return

8-6-34 noted and put with
Cmpts

9/6/34

Acc Don
W.C.

Don

18/6/34

59 Bill to amend the Land Revenue Code.
5596

File No.

of 193 .

General and Revenue
Secretariat

Snded with refer to paras 121 and 122.

As the Bill is proposed to
be referred to a Select Committee,
the modification of ~~the~~ cl 2 may
perhaps be taken up by the Committee.
The file will be sent to the Members
after approval

Done
20/6

The Bill as originally
drafted has been published & sent
to the L.C. Members. When the
Bill is introduced, the modification
accepted in the Assembly maybe
mentioned & the amendment may
be made in the Select Committee

(8 Member)

66/10/34

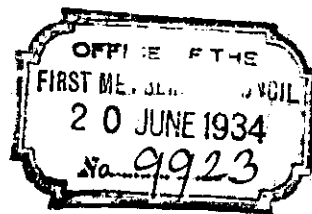
sent to by
20/6/34
RM
2/10/34
G. 2/6

L.C. office for summary
putting up the extract of
the proceedings pertaining to this Bill

Done
5/7
MLK Extract relating to the Bill is put up.

12/7/34
12/7

(Probably with complete)



67 60
Bill to amend the Land Revenue Code

Serial
No.

The proceedings in the Legis Council regarding this Bill are put up.

The Bill having been referred to a Select Committee, (May 11) orders are solicited regarding the date of meeting.

Done
18/7 A date in the early part of August maybe fixed of convenient

18 Member) 14/7/34

10th Aug 2 PM
(draft amendment m/c prepared)

16/7 18/7/34

Draft notice sent

Done
28/7 Issue
28/7/34

Govt have agreed to amend the Land Revenue Code clause 166-A so as to limit its scope to amend.

OFFICE OF THE
FIRST SECRETARY
14 JULY 1934
No 360

RECEIVED
3-25 PM
JUL 1934
GENL. & REV. SECT.

accruing after the village comes under government management.

To effect this, the following words may be added after the words "in their holdings" : —

"and accruing in or after the revenue year in which such attachment was effected".

under Section 166, the management vests in ~~the Govt.~~ ^{the Govt.} as soon as the attachment is made. So the date of the attachment may be taken as the point of time, the annum subsequent to which it is affected by this clause.

under Section 145, land revenue is payable from the first day of the revenue year for which it is due i.e. from 1st July of the year. But ordinarily it is actually received ^{in the latter part} between February to July. Though the attachment may be effected during the course of the year, the clause should be applicable to the revenue which fell due from the commencement of the year. Consequently the proposed amendment is so worded as to include the revenue accruing in the revenue year in which the attachment

67 60
Bill to amend the Land Revenue Code.

General and Revenue
Secretariat

File No.

of 193

[App. F. III-2

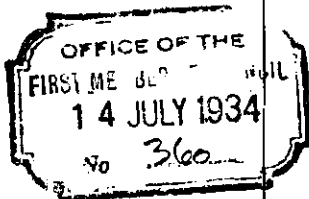
Serial
No.

The proceedings in the Legis
Council regarding this Bill
are put up.

The Bill having been
referred to a Select Committee,
(May 11) orders are solicited
regarding the date of meeting

Don
18/7

A date in the early part of
August maybe given, if convenient



18 Member)

14/7/34

10th Aug 2 PM.

(a draft amendment may be
prepared)

16/7

18/7/34

draft notice sent

Don
28/7

Is one

21/7/34

Govt have agreed to amend
the Limit Commission clause 166 A
so as to limit its scope to amend

B 163

798734
Bill to amend the 6370 A.C.

62

General and Revenue
Secretariat

File No.

of 193

[App. F. III-2]

Serial
No.

was effected.

Submitted for consideration

~~Bill~~

(or Member)

6
8/8/34

seems like sun lake. maybe
place before the S.C.

by
8/8

6
8/8/34

Meeting at
2 P.M. on
Friday 10-8-34

Typed copy of cl 2 as suggested
to be amended is put up for perusal

Done
8/8

6
8/8/34

The S.C. met at 2 P.M. on 10-8-34
and considered the Bill. The Report
sent by them is in the file.

This may be sent to Legis. Office
now for publication under 88
49 of the Standing Orders for
the conduct of business of Legis. C.

Done
11/8
1934

L.C.)

38

6/18

Action has been taken to publish the Report

NOTE—Contn. Sheet.

63 The Bill to amend the Land Revenue Code 798

File No.

of 193

General and Revenue
Secretariat

in the Gazette.

The file will now be returned to the
Protⁿ. Bⁿ.
Subd

U
14/8/34

14/8/34

The Report of the Select-
Committee on the Bill further
to amend the Mysore Land Revenue
Code has been published and
copy is placed in the file for
perusal.

Motion for Consideration of Report
of the Select-Committee on the Bill
as amended by them and for
passing the Bill in accordance
with the suggested labor on

2/8
18/8

U
22/8/34

Y. C. Das
23.8.34

The following motions are suggested
Motion that the Report of the S.C.
and the Bill as amended by them
be taken into consideration

2) Motion that the Bill as
amended be passed.

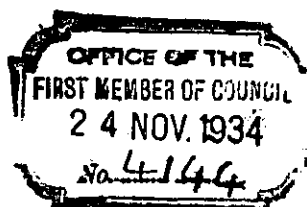
Mover: First Member

Second: Paul See

Subd
23/11/34

U
18/November

U
22/11/34
23.11.34



U
26/11

Bill to amend the Land Revenue Act
798234

General and Revenue
Secretariat

File No.

of 193

[App. F. III-2]

Serial
No.

20

The L.C. Office for Land Revenue
Motions ordered on the previous page

27/11/34

27/11/34

noted and put to the Prot. B. with ampts)

28/11/34

28/11/34

is signed

The Motion to pass the Bill
was adopted at the meeting held
on 17th December 1934.

Signed with a D.F.N.

20/12
not

Phon type

22/12

2/1/34

Signed draft Subd

21/12

21/12

21/12

21/12

18th Member)

22/12/34

7. N. signed by Member.

24/12

24/12

S.N. put up

Deewan)

R2

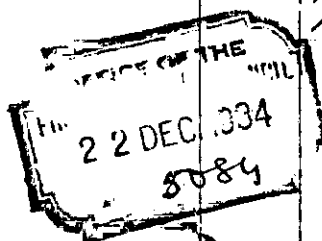
26/12

a

26/12

26/12

26-12-34



22 DEC. 1934
-Contd. Secy.
No. 3522

Draft Final Note.

Gracious sanction of His Highness was accorded in February 1934 to place before the Representative Assembly the statement of ~~general~~ ^{general} principles of a -- ~~Bill~~ for the purpose of inserting Section 166 A in the Mysore Land Revenue Code, 1888, and in June 1934 sanction was accorded to add a provision in Section 129 of the said code regarding the settlement of disputes relating to boundaries of survey numbers.

The statement was discussed in the Representative Assembly in the Budget Session in June 1934 and approved and a ~~Bill~~ was introduced in the Legislative Council ~~immediately~~ after previous publication.

The Bill was referred by ~~that~~ ^{the} body to a Select Committee. In August 1934, the Select Committee submitted its report and recommended a modification of clause 2.

At the meeting ^{of} the Legislative Council held on 17th December 1934, the report was considered and the bill as amended by ~~them~~ ^{the} finally passed.

I now solicit gracious sanction of His Highness for promulgating the -- said Bill into Law.

First Member of Council.

H.H. 3rd
27.12.34
6

'K'

deal with
with points

24/12/34

Final Note by the First Member of Council.

Subject:—

A bill further to amend the Mysore Land Revenue Code, 1888.

O
L
K
Gracious sanction of His Highness was accorded^x in February 1934 to place before the Representative Assembly the statement of ~~the~~^x general principles of a bill for the purpose of inserting Section 166 A, in the Mysore Land Revenue Code, 1888, and in June 1934 sanction was^x accorded to add a provision in Section 129 of the said code regarding the settlement of disputes relating to boundaries of survey numbers. The statement was discussed in the Representative Assembly in the Budget Session in June 1934 and approved and a bill dealing with both points was introduced in the Legislative Council after previous publication.

D.
The bill was referred by the Legislative Council to a Select Committee. In August 1934, the Select Committee submit^xted its report and recommended a modification of clause 2.

M.
At the meeting of the Legislative Council held on the 17th December 1934, the report was considered and the bill as amended by the Legislative Council finally^x passed.

I now solicit gracious sanction of His Highness for promulgating the said bill into Law.

Bangalore,
24th December 1934.

Kuattay
MEMBER OF COUNCIL.

67
Submitted to His Highness.

I submit herewith a Final Note by the first ...
Member of Council regarding a bill further to amend
the Mysore Land Revenue Code, 1888

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

26-12-34

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Bill further to amend the Mysore
Land Revenue Code, 1888.

C by
M2
1-1-35-

R2 348
211/357

Order.

KRISH
31/12/34

798234

69
348General and Revenue
Secretariat

SUBJECT:-

Bill further to
amend the Mysore Land
Revenue Code, 1888

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*
31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

R. Rangabai

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL. (on leave)

SECOND MEMBER OF COUNCIL.

4605
2/1SPM
2/1/35

P. S. M.

Re

31/35-

6 37.1205

34-70

A Regulation further to amend the
Lynore Land Revenue Code, 188
Regⁿ I of 1934 [App. F. III-2
of 1934]

General and Revenue
Secretariat

File No.

Serial
No.

sent with draft G.O publishing
the Regⁿ as Regⁿ no I of 1934.

Recd
4.1.35

In
25/1/35

No D 3367 of 4.1.35

the compiler

orders the publication of
the Regⁿ as Regⁿ no I of 1934

Press Enq

Printed copies have been recd
& two copies are placed in file
for perusal.

Draft forwarding copies to Reg^y
has been sent separately

The file may be sent to
Secy for note & return to
be received here in A

Recd
28/1/35

Not
28/1/35

Recd

28/1/35

Sent for perusal

28/1/35

28/1/35

This may now be returned to the Protection

Branch
of Protection
28/1/35
Recd

778 234

71

General and Revenue
Secretariat

File No.

of 193

[App. F. III-2

Serial
No.

Drafts forwarding copies of Regⁿ
I & II of 1934 to the Presidency,
to the Nizam's Court & to the
Travancore - Cochin are subd

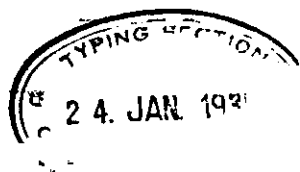
Done
23/1
28/1
24/1/34

In
Camp 25

Issued no P 3759-60 of 26.1.35
& Pol 793 of 26.1.35

A. Dec

29.1.35



GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 1st January 1934.

No. R. 3185/L.R. 175-33-9

3rd

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To

The Superintendent,
Revenue Survey and Settlements in Mysore.

Sir,

I am directed to state that a promise as noted in the

With regard to the representation that dis- margin was made
putes regarding boundary marks may be ordered
to be settled by the Survey Department instead at the October
of the aggrieved party having recourse to the
Civil Court, the Dewan said that he would look Session of the
into the matter. (Representation No.29).

----- Representative
Assèmbly, 1933, in the matter of the settlement of dis-
putes regarding boundary marks by the Survey Department,
and to request you to be so good as to furnish your opi-
nion on the subject.

I have the honour to be,
Sir,

Your most obedient servant,

Draft]

CNC

vvk.2.

for Develop Secretary to Government,
JMS

SUBJECT

Section L.R.
File No. 1754-33
Serial No. 9

Diary No. of letter replied to

No. R 3185-
To Mr. S. S. Singh

General and Revenue Secretariat

()

193

here copy the
from marked
A in the Y.

Date of issue 3-1-1934

Signed by Mr. G. Mallikarjunaiah

I am directed to forward
that a promise ^{as noted in the margin} was made at the October
meeting of the R.A. 1933
session of the R.A. 1933
the proceedings of the R.A. of Oct. 1933
in the matter of
the settlement of disputes
with boundary marks by the Survey Dept.
to request you to be so good as to fur-
nish your opinion on the subject.

I have etc

Dev Jy

Esq

List of enclosures

Copied by 1006/11.34

Examined by

68/ 3
OFFICE OF THE SUPERINTENDENT,
MYSORE REVENUE SURVEY, AND SETTLEMENT,

Dated, Bangalore, 21st February 1934.

h- 12/11
20/2
No. 92
FROM

G.B. Heblikar, Esq., B.A., LL.B.,
Superintendent, Revenue Survey and
Settlement in Mysore.

To

S. Abdul Wajid, Esq., B.A., LL.B.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department, Bangalore.

SIR,

With reference to your letter No.R.3185/L.R.175-33-9 dated 3rd January 1934 calling for my opinion on the marginally noted representation No.29 (vide page 10 of the Representations of the Mysore Representative Assembly, Dasara

-----o

As boundary marks are erected in the fields after measurement by the Survey Department, it is prayed that disputes in respect of encroachment on private lands be ordered to be settled by the Survey Department on the basis of their measurements instead of aggrieved party having recourse to the Civil Court as at present.

-----o

Session of 1933) at the October Session of the Representative Assembly 1933, I have the honor to state that the representation is not clear. The Representative Assembly Members pray that the disputes in respect of encroachments on private lands may be settled by the Survey Department. This is being done at present by the Survey Department in cases in which the disputes relate to boundaries of survey numbers. On receipt of prescribed fees the District Survey Officers point out the exact boundaries of survey numbers. This Department cannot obviously oust the jurisdiction of the Civil Courts and punish encroachments by persons on neighbouring holdings or survey numbers.

2. I do not think it desirable to vest all jurisdiction in such matters in this Department. The present law on the subject need not therefore be changed.

3. But the question of affording some relief on the lines of the Mamlatdar's Act in Bombay may be considered, as under that Act Revenue Officers are empowered to inquire into complaints of encroachments within a certain time limit.

I have the honor to be
Sir,
Your most obedient servant,
G.B. Heblikar
Superintendent.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 4

General and Revenue Secretariat

Bangalore, Dated 5th March 1934.

No. R. 4420/L. S. 57-33-4

From

Ene/.

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Revenue Commissioner in Mysore,
Bangalore.

Sir,

In forwarding herewith a copy of letter from the Superintendent, Revenue Survey, giving his views on the promise made at the October Session of the Representative Assembly 1933 regarding the settlement of disputes connected with boundary marks by the Survey Department, I am directed to request you to be so good as to furnish your views in the matter as also on the suggestion contained in the last para of the Superintendent's letter.

I have the honor to be,
Sir,

Your most obedient servant

Sato

SUBJECT *N*

Section *LS*
File No. *57-92*
Serial No. *H*

Diary No. of letter replied to

No. *R. 4420/Encl.*
To *His, The Rev Com^r*
In forwarding herewith

General and Revenue Secretariat

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the 193 .

Date of issue *8/3/34*

*a copy of letter from the S. Supdt^r
giving his views on the promise
made at the last session of the
R A 1933 ^{regarding the} ~~in the matter of the~~
^{connected with}
settlement of disputes of bonds.
by marks by the Survey Dept. I
am directed to request you to
be so good as to furnish your
views in the matter as also
on the suggestion contained in
the last para of the S. Supdt^r letter*

Signed by *M. G. Mallikarjuniah*

List of enclosures

Copied by

Examined by *Done 5/3*
one

I have it

Ed 1/3
for Dec 1934

Encl

No. *2/015 2050*
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15-57-335
OFFICE OF THE REVENUE COMMISSIONER,
IN MYSORE,

Dated, Bangalore,.....4th May 1934.

FROM

N. Madhava Rao. Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

RECEIVED
5 MAY 1934
CHIEF
3958
S. Abdul Wajid. Esq., B.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Re. the settlement of boundary disputes by the Survey Office
Department - R.A. subject of October 1933.

SIR,

With reference to your letter No.R. 4420/L.S.57-33-4 dated 8th March 1934 calling for my views on the representation made at the Dasara Session of the Representative Assembly, 1933, regarding the settlement of Boundary disputes by the Survey Department, I have the honour to state that under the provisions of Sections 127, 128 and 129 of the Mysore Land Revenue Code, the Revenue authorities have the power to enquire into and settle disputes relating to Boundaries of Survey numbers at any time before or after the Survey, and such a settlement will be determinative not only of the position of the boundary line but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been empowered to enforce his decision and evict the wrongful holder under Section 209. The injured party has therefore to go to the Civil Court to get possession of his land encroached upon in case there is no voluntary relinquishment. Section 121 of the Bombay Land Revenue Code corresponding to Section 129 of the Mysore Land Revenue Code has been amended in 1913 vesting the power of eviction in the collector. I am of opinion that the amendment of the Mysore Land Revenue Code by the addition of a clause to Section 129 similar to clause (2) of Section 121 of the Bombay Land Revenue Code would satisfy the demand for an expeditious remedy in cases of disputed field boundaries.

I have the honour to be,
Sir,

Your most obedient servant,

N. Madhava Rao
Revenue Commissioner.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

No. R 5762/L.R 360-14-8
dated 11-12-1915
and No. 5005-93/L.R 339-22-4
dated 9-4-1928

Statement of objects & reasons

~~It was the practice hitherto~~

~~to treat.~~

Under S. 165 L.R. Code the Dy.
Commr may, with the previous
sanction of the R.C., ^{attach and} take
over the management of an
Inam village in respect of
which an arrears is due.

The view held till recently
in the G.O's noted in the
margin was that when an
Inam village was so attached
and taken under Govt. manage-
ment, it was restored
temporarily to its original
condition of an unalienated
village and that the assessments
due from the holders in such
a village could be recovered
by summary process with-
out any limit of time.
The High Court however in

second appeal no. 86 of 1927-28.
 (Shamasubbiah vs. Subba Rao)
 held that so long as an Inam
 village was under Govt. manage-
 ment the rights of Govt., except
 to the extent to which they
 are expressly provided for,
 are those of a manager and
 as such ~~subject~~ the right of the
 Govt. ~~as~~ qua manager to recover
 the arrears of rent due from
 an inferior holder is subject
 to the same limitation as
 that prescribed in the case
 of the superior holder himself
 under Art. 119 A of the Lim. Regt.
 viz. 6 years.

The effect of this decision is
 that even if an Inam village
 is taken over under Govt.
 management, Govt. cannot
 recover arrears of rent or
 revenue by summary
 revenue process except

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

9
for
to a period of 2 years ~~and for~~
and for recovery of six
years' arrears which the Law
of Limitation allows Govt.
is compelled to have recourse
to a Civil Court.

These restrictions are
likely to create difficulties
in the management of Inam
villages and the recovery
of Govt. revenue. It is
therefore considered necessary
to amend the L.R. Code so
as to enable ^{the Government} ~~the~~ (Rev. Officer)
~~and~~ to recover by summary
process the rent or land
revenue due by inferior
holders ^{or co-sharers} in their holdings
~~of an Inam village~~
~~in their holdings~~ provided
that action for such recovery
is taken within six years
from the end of the Revenue
year for which the said

ent or land revenue became
us.

8/10
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Statement of Objects and Reasons.

Under the provisions of Sections 127 to 129 of the Land Revenue Code the Revenue authorities have the power to enquire into and settle disputes relating to boundaries of survey numbers at any time before or -- after survey and such a settlement will be determinative not only of the position of the boundary line but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been empowered to enforce his decision ^{by} ~~to~~ ^{ing} evict the ~~the person in wrongful possession in accordance with~~ ~~wrongful holder (Section 209).~~ ~~A the holder in possession~~ The injured party has therefore to go to the Civil Court to get possession of his land encroached upon in case there is no voluntary relinquishment. Section 121 of the Bombay Land Revenue Code corresponding to Section 129 of the Mysore Land Revenue Code has been amended in 1913 ~~(vesting the power of eviction in the Collector.)~~ It is therefore proposed to amend the Mysore Land Revenue Code by the addition of a clause to Section 129 similar to clause (a) of Section 121 of the Bombay Land Revenue Code. This would satisfy the demand expressed at the Representative Assembly session of October 1933 for an expeditious remedy in cases of disputed field boundaries.

637/5

A Bill further to amend the Mysore Land Revenue Code, 1888.

PREAMBLE

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows:-

Addition of a new
Section 166 A.

The following Section shall be inserted as Section 166 A:-

Recovery of rent etc.,
due during such manage-
ment.

"Notwithstanding anything contained in the proviso to Section 97 of this Regulation, the Deputy Commissioner or the Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due".

For General Secy
Pm

Please type Bill
in hurry - urgent (6 copies)
MMS
Don
23/3

Draft Bill

A Bill further to amend the
Mysore Lands Revenue Code
1888.

Preamble.

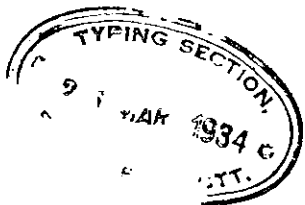
Where-as it is expedient
to further amend the Mysore
Lands Revenue Code 1888.
It is hereby enacted as
follows:-

Addition of a new
Section 166 A.

The following section
shall be inserted as
Section 166 A :-

Recovery of rent
etc., due during such
management.

"Notwithstanding anything
contained in the proviso
to Section 97 of this
Regulation the Deputy
Commissioner or the officer
or officer to appointed
shall, during such
management be entitled
to recover under the
provisions of this Chapter



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the rent or land revenue
due by inferior holders
or by co-sharers in
their holdings provided
that proceedings for
such recovery are taken
within six years from
the end of the revenue
year for which the
said rent or land
revenue became due"

A Bill further to amend the Mysore Land Revenue Code, 1888.

PREAMBLE.

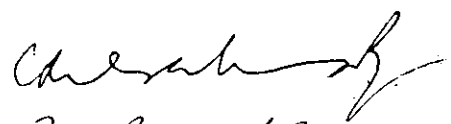
Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows:-

Addition of a new
Section 166 A.

The following Section shall be inserted as Section 166 A:-

Recovery of rent etc.,
due during such manage-
ment.

"Notwithstanding anything contained in the proviso to section 97 of this Regulation, the Deputy Commissioner or the Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due".


For. General Secy
Mm

1. Section 129 of the said Code shall be numbered as sub section (1), and the following sub section shall be added thereto :-

" (2) Where a boundary has been so fixed, the Deputy Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

Amendment
of Section
129.

A Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Preamble. Land Revenue Code, 1888: It is hereby enacted as follows:—

1. Section 129 of the said Code shall be numbered as sub section (1), and the following sub section shall be added thereto :-

(2) Where a boundary has been so fixed, the Deputy Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

Amendment
of Section
129.

The following section shall be inserted as section 166-A:—

“Notwithstanding anything contained in the proviso to section 97 of this Regulation, the Deputy Commissioner or the Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due.”

Addition of a new section 166 A.

Recovery of rent, etc., due during such management.

STATEMENT OF OBJECTS AND REASONS.

Under section 165, Land Revenue Code, the Deputy Commissioner may, with the previous sanction of the Revenue Commissioner, attach and take over the management of an Inam village in respect of which an arrear is due. The view held till recently in the Government Orders noted in the margin was that when an Inam village was so attached and taken under Government management, it was restored temporarily to its original condition of an unalienated village and that the assessment due from the holders in such a village could be recovered by summary process without any limit of time.

No. R. 5762—
360-14-8, dated
11th Decem-
ber 1915.
No. R. 6085- 5
93—L. R. 339-
22-4, dated 9th
April 1926.

*See under
Statement
relating
to the change*

The High Court however in second appeal No. 86 of 1927-28 (Shamasubbiah vs. Subba Rao) held that so long as an Inam village was under Government management, the rights of Government, except to the extent to which they are expressly provided for, are those of a Manager and as such the right of the Government *qua* Manager to recover the arrears of rent due from an inferior holder is subject to the same limitation as that prescribed in the case of the superior holder himself, under Article 119-A of the Limitation Regulation, *viz.*, six years.

The effect of this decision is that even if an Inam village is taken over under Government management, Government cannot recover arrears of rent or revenue by summary revenue process except for a period of two years and for recovery of six years' arrears which the Law of Limitation allows, Government is compelled to have recourse to a civil court.

These restrictions are likely to create difficulties in the management of Inam villages and the recovery of Government revenue. It is therefore considered necessary to amend the Land Revenue Code so as to enable the Government (Revenue Officers) to recover by summary process the rent or land revenue due by inferior holders or co-sharers in their holdings provided that action for such recovery is taken within six years from the end of the revenue year for which the said rent or land revenue became due.

69

NOTIFICATION.

OFFICE OF THE SECRETARY, MYSORE LEGISLATIVE
COUNCIL, PUBLIC OFFICES, BANGALORE.

Notification No. 4528—L. C., dated 9th April 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
*Secretary,
Mysore Legislative Council.*

A Bill further to amend the Mysore Land Revenue Code 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows:—

The following section shall be inserted as section 166-A:—

“Notwithstanding anything contained in the proviso to section 97 of this Regulation, the Deputy Commissioner or the Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due.”

STATEMENT OF OBJECTS AND REASONS.

Under section 165, Land Revenue Code, the Deputy Commissioner may, with the previous sanction of the Revenue Commissioner attach and take over the management of an Inam village in respect of which an arrear is due. The view held till recently in the Government Orders noted in the margin was that when an Inam village was so attached and taken under Government management, it was restored temporarily to its original condition of an unalienated village and that the assessment due from the holders in such a village could be recovered by summary process without any limit of time.

Preamble.

Addition of a
new section
166 A.

Recovery of
rent, etc., due
during such
management.

No. R. 5762—
360-14-8, dated
11th Decem-
ber 1915.
No. R. 6085-
98—L. R. 339-
22-4, dated 9th
April 1928.

V Statement of General Principles of the Bill
to amend Sections 129 of the Land Revenue Code.

Statement of Objects and Reasons.

Under the provisions of Sections 127 to 129 of the Land Revenue Code the Revenue authorities have the power to enquire into and settle disputes relating to boundaries of survey numbers at any time before or -- after survey and such a settlement will be determinative not only of the position of the boundary line but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been ~~at~~ empowered to enforce his decision to evict the wrongful holder under Section 209. The injured party has therefore to go to the Civil Court to get possession of his land encroached upon in case there is no voluntary relinquishment. Section 121 of the Bombay Land Revenue Code corresponding to Section 129 of the Mysore Land Revenue Code has been amended in 1913 vesting the power of eviction in the Collector. It is therefore proposed to amend the Mysore Land Revenue Code by the addition of a clause to Section 129 similar to clause (2) of Section 121 of the Bombay Land Revenue Code. This would satisfy the demand expressed at the Representative Assembly session of October 1933 for an expeditious remedy in cases of disputed field boundaries.

Mys. R. 129/33
1/12/33
1/12/33
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Immediate

Press

10. 27/3/74. Dated 29.5.74
Please set the matter in type 4
and send 3 clean proof by this
evening.

S. Nagaria
for Secretary, Representative Assembly
mm
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Mr. B. S.

Cont. in. matter

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NOTIFICATION.

No. R. 1700—L. R. 110-33-6, dated, Bangalore, 10th October 1933.

The accompanying report of the Inam Committee appointed for examining the existing conditions and prospects of tenants in inam and jodi villages and allied subjects, is published for general information. Those desirous of expressing their opinion on any of the subjects dealt with in the Report are requested to communicate the same to the Secretary to Government, Development Department within two months from the date of this notification.

By Order,
S. ABDUL WAJID,
Secretary to Government,
Development Department.

REPORT OF THE COMMITTEE CONSTITUTED IN GOVERNMENT ORDER, DATED 24—25th OCTOBER 1932 FOR EXAMINING THE EXISTING CONDITIONS AND PROSPECTS OF TENANTS IN INAM AND JODI VILLAGES.

Introductory.

The difficult question of the relationship between the inamdars and tenants has been frequently coming up before Government for consideration. It was urged in the Dasara Session of the Representative Assembly in 1914 that the law relating to the rights of the inamdars and tenants should be clearly defined, that Survey and Settlement should be compulsorily introduced into inam villages, and that the individual responsibility of the co-sharers for payment of jodi, etc., due on their shares should be strictly enforced. A Committee was appointed in 1915 and another again in 1916. Finding that their investigations were incomplete, Government appointed a Commission in 1918. This commission made elaborate enquiries, examined a large number of witnesses, both among the inamdars and tenants, and after careful consideration, submitted an exhaustive and interesting report to Government, covering practically the whole field of relationship between the inamdar and the tenant and the inamdar and Government. The orders of Government on their recommendations are contained in the Government Order No. 28-48—L. R. 482-17-42, dated 2nd July 1925. There was a representation by the Inamdars' Association for a modification of this order in several respects on the ground that the rights of inamdars had been severely curtailed by it. Government passed orders in consultation with the Revenue Commissioner, in Government Order No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927, modifying in some respects the orders of 1925. Almost all the amendments proposed as a result of these two orders have been incorporated in the Land Revenue Code.

2. In spite of the action taken in the past, the relationship between the inamdars and their tenants does not seem to have improved to any appreciable extent. There is still a feeling on the part of the tenants that their position is insecure, that their lot is not as happy as that of raiyats in Government villages and that they have not been properly looked after by the inamdars. On the other hand, the inamdars complain that the tenants are very irregular in payment of rent, force the inamdars frequently to civil litigation for its recovery and that they set up kadim tenancy rights where they do not really exist.

3. Mr. D. H. Chandrasekhariah, Member from the Chitaldrug District, moved the following resolution in the Legislative Council on 20th June 1932:—

"That this Council recommends to the Government of His Highness the Maharaja that a mixed Committee of officials and non-officials be constituted with a view to study the existing conditions and prospects of tenants of Inam and Jodi villages of the State and to recommend suitable measures for their amelioration and improvement."

Government accepted the resolution and appointed a Committee in Government Order No. R. 2072-9—L. R. 469-31-4, dated 24-25th October 1932, with the Revenue Commissioner as Chairman and the marginally noted gentlemen as members. The Deputy Superintendent of Revenue Survey was appointed Secretary. The terms of reference to the Committee are as follows:—

The Deputy Commissioner, Bangalore District (Mr. K. V. Anantaraman).
The Deputy Commissioner, Mysore District (Mr. C. S. Kuppuswamiengar.)
Mr. B. K. Garudachar.
„ K. Chengalaraya Reddy, B.A., B.L.
„ D. H. Chendrasekhariah, B.A., LL.B.

- (1) To examine the rights and liabilities of inamdars and their tenants under the existing law and to make recommendations with regard to the improvement of the position of the tenants *vis-a-vis* of the landlord.
- (2) To examine the question as to whether the provisions regarding the taking of village under Government management are sufficient, and how they can be extended.
- (3) To examine the desirability of undertaking legislation to enable Government to acquire the rights of inamdars for payment in cash or award of compensation in any other manner.

4. There has been no change in the personnel of the Committee, but the Secretary had to be changed in the month of June 1933 as the services of Mr. S. N. Appanna Iyengar, B.A., B.L., Deputy Superintendent of Survey, who was appointed as General Secretary to Government, were not available to the Committee. On the recommendation of the Chairman, Government sanctioned the appointment of Mr. T. Ramaiya, B.A. (Hons.), Assistant to the Revenue Commissioner as Secretary of the Committee.

Procedure of the Committee.

5. The Committee met fourteen times in all. They held the first meeting on the 13th December 1932 in Bangalore and after a preliminary discussion regarding the scope of the terms of reference, they resolved that instead of issuing an elaborate questionnaire and examining witnesses in a formal manner, it was decidedly better to visit typical inam villages in the Bangalore, Kolar and Mysore Districts, as it would enable them to get a first-hand knowledge of the conditions of the tenants and their relations with the inamdars. Government sanctioned the Committee's proposal in order No. R. 4596-97—L. R. 469-31-13, dated 15th March 1933. The Committee accordingly visited a large number of inam villages of different types, settled and unsettled, well-managed and ill-managed, and also examined respectable witnesses, inamdars and tenants who offered to give evidence, in their sittings in Mysore, Bangalore, Bowringpet and Kolar Gold Fields. A brief summary of the itinerary of the Committee, the opinions expressed by the important witnesses examined, and the discussions the Committee had with the inamdars and tenants has been separately submitted to Government. Among the villages visited, mention may be made of Thammadihalli in Chamrajnagar Taluk, Thandekere and Lakshmipura, Krishnarajapete Taluk, Varadenahalli, Malur Taluk, Kaggali-pur, Bangalore Taluk, Urgahalli in Closepet Taluk, Uttanahalli, Mysore Taluk, Doddabagil in T. Narsipur Taluk, Bellambore in Kolar Taluk and Nandagudi group in Hoskote Taluk. The following witnesses offered to give evidence and were examined by the Committee:—

1. Mr. Venkate Urs, tenant of Thammadihalli village in Chamrajnagar Taluk.
2. „ Venkataswami Iyer, inamdar of Kannagala, Chamrajnagar Taluk.
3. „ Subba Rao, jodidar of Volagere and Kanipura inam villages in Nanjangud Taluk.
4. „ M. K. Krishna Rao, inamdar of Thammadihalli and Padvanakodu Hosahalli, Chamrajnagar Taluk.
5. Mr. Subramanyaraj Urs, inamdar of Iggali, Nanjangud Taluk.
6. „ S. Krishnamachar, inamdar and Mr. Gopaliengar, tenant, of Uttanahalli village, Mysore Taluk.
7. *Rajasilpivisagara, Rao Bahadur* Mr. B. Subba Rao, retired Chief Engineer, inamdar of Lakshmipura village, Krishnarajapete Taluk.
8. Mr. K. Ramaswami, Public Prosecutor, Mysore, and Inamdar of Thandekere, Krishnarajapete Taluk.
9. Mr. H. Srinivasa Rao, Jodidar of Vardenahalli in Malur Taluk.
10. „ M. G. Shama Rao, Kayamguttadar of Garudapalya, Malur Taluk.
11. „ Ramachandrar, Jodidar of Dibbur, Bowringpet Taluk.
12. „ Jayaramareddy, Kayamguttadar of Peelavaram and also an inamdar in British India.
13. „ N. Surappa, Secretary of the Inamdars' Association.
14. *Dharmaprakasa* Mr. B. V. Krishniengar of Bangalore.
15. Mr. Uragehalli Krishna Iyengar.

Disabilities of tenants and inamdars.

6. The main disabilities of the tenants that came to the notice of the Committee in the administration of the inam villages may now be enumerated. A sense of insecurity of tenure is felt by tenants. There was a general complaint that the inamdars were not keeping proper accounts, were not issuing *pattas*, and were not giving proper receipts for kandyam paid. In many villages, there were no shanbhogs and patels and in some instances, the shanbhogs were not on amicable terms with the inamdars. Some inamdars would be continuously absent from their villages, would allow arrears to accumulate for years, and then suddenly demand from the tenants the entire amount. In some villages, there was no assignment of gomal, the tanks were in a neglected condition, and remissions of assessment were not allowed by the inamdars as in Government villages. As in the case of many Government Villages, drinking water facilities, medical aid and good communications did not exist. On the other hand, the inamdars complained that the tenants were irregular in payment, took advantage of the absence of unanimity among the co-sharers, and that they were driven to the necessity of going to a Civil Court for the recovery of their dues.

Committee's recommendations.

7. The Committee have examined the existing law and standing orders on the subject, and after giving careful consideration to the problems before them and to the various suggestions that were made to them have resolved to make recommendations as in paragraph 36. They are aware that Government action or even legislation by itself may not avail to smoothen the relationship between an inamdar and his tenants unless there is mutual good-will between them. In making their recommendations, the Committee have considered the interests of the tenants as well as of the inamdars and they entertain the hope that the proposals now made will go far to improve the condition of the tenants *vis-a-vis* the inamdars.

Introduction of Survey and Settlement.

8. The chief points in respect of which the tenants in inam villages need protection are the uncertainty of demand and the uncertainty of tenure. The Committee consider that the compulsory introduction of Survey and Settlement into inam villages can no longer be deferred, and that if this is sanctioned, the relationship between the inamdar and the tenants will materially improve, to the permanent advantage of both. They are confirmed in this view by the fact that in their itineration, they found the administration generally satisfactory and the relationship between inamdars and tenants more harmonious in settled villages than in the unsettled ones. The idea of compulsory introduction of Survey and Settlement is not a new one. As stated in paragraph one of the report, it was urged in the Dasara Session of the Representative Assembly so far back as 1914 and it formed the very first term of reference to the Inam Commission appointed in 1918.

As a result of the recommendations of the Commission of 1918 and the orders passed by Government, the present law in this respect may be stated to be as follows:—

Government can order introduction of Survey into all inam villages. But, as regards Settlement, the Government can compulsorily introduce it into any alienated or kayamgutta village on the application of holders of alienated land holding in the aggregate not less than half the shares in such village or on the application of tenants holding interest in not less than half the occupied lands, subject to such rules as the Government may frame in respect of the apportionment of the cost of the Survey and Settlement.

Provided that when the application is by tenants, the Revenue Commissioner shall call upon the holder of the village to show cause why Settlement should not be introduced into the village, and on hearing his objections, if any, shall pass such orders as he deems fit. Within three months of the date of such order, an appeal may be preferred to the Government whose decision shall be final.

9. Prior to this amendment, the tenants had no voice in the matter of the introduction of Survey and Settlement and Government could not, except when the village was under their management, without the consent of the inamdars, introduce Survey and Settlement into an inam or kayamgutta village except to the extent required for fixing the boundaries of any such village or determining any disputes relating thereto.

10. Even with the extended scope of the above amendment, the progress cannot be said to be satisfactory. It has been found that the inamdars are generally averse to the introduction of Settlement, though it must be stated that the objection is wearing down and the representative of the Inamdars' Association distinctly told the Committee that the Association was in favour of the compulsory introduction of Settlement. Some of the inamdars seem to be under the misapprehension that Survey and Settlement would by itself give permanent occupancy rights to the tenants who did not possess them before and that the adoption of Settlement rates would diminish their income. This seems to be the general obstacle in the way of the rapid progress in the introduction of Survey and Settlement into inam villages. Of the total number of 2,098 inam and kayamgutta villages in the State, Settlement has been introduced into 547, and Survey into 144 villages in addition.

11. The Committee consider that the only satisfactory solution is to make the introduction of Survey and Settlement compulsory. At the same time, the Committee see the reasonableness of the demand that the total income of the inamdar from his permanent and kadim tenants in cash or in kind or both should not be reduced below what he was getting before the Settlement, and this has been approved by Government in their order of 1927.

12. This leads to the further question whether in order to secure the existing income of the inamdar, the maximum rate fixed for any particular class of land in a particular group could be exceeded. Mr. B. K. Garudachar was of opinion that there should be no objection to such a course and that whenever rates have to be fixed in an inam village at a rate higher than the maximum survey rates applicable, it may be done with the special sanction of Government. The Committee are, however, of opinion that the maximum survey rates should on no account be exceeded, as in practice, there is always a wide margin between the maximum and average rates applicable to a locality. The Committee also consider that the above concession in the rates in favour of the inamdar should be confined to the lands under cultivation at the time of Settlement, and that the batayi lands which may hereafter be taken up for cultivation should be assessed only at the Settlement rates of assessment prevailing in the locality.

13. The Committee have also considered the question of the distribution of the cost of operations. The rule as it now stands is that when Survey is taken up along with the Taluk, the cost is borne entirely by the Government, but when it is taken up on the motion of the inamdars independently of the Survey of the Taluk, half the cost is borne by Government, the other half being payable by the inamdar, who has also to bear the usual labour charges. (*Vide* paragraph 3 of the Government Order. No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927.) Even this half cost is waived if the inamdar applies for Settlement also. (*Vide* G. O. No. R. 2585-96—L. S. 49-26-8, dated 4th October 1929.) As regards the cost of Settlement, it is not levied when Settlement is made at the instance of the inamdars, but if it is introduced on the motion of the tenants, the cost has to be borne by them. Now that the introduction of the Survey and Settlement is to be made compulsory, the Committee consider it only fair that Government should bear the entire cost of the operations both of Survey and of Settlement. In the larger interests of the well-being of both inamdars and tenants which is a matter of intimate concern to Government, this expenditure would be amply justified. The incidental charges in respect of flagholders, etc., will, as usual, be borne by the inamdar and the villagers.

Definition of permanent tenancy under section 79, Land Revenue Code.

14. Closely connected with the question of Settlement is the nature of tenancy. The apprehension that the introduction of Settlement will by itself confer occupancy rights on the tenants is, as stated before, not correct. Government have specifically laid down in Order No. 3084—P. F. 101-93, dated 21st

August 1891 "that in introducing detailed Survey and Settlement into a Jodi village, the Survey Department merely registers the lands of the villages in the names of their present occupants. Whether the occupants are to be regarded as kadim raiyats or not is a matter on which the Settlement Department has no power to pass any order." This question formed the subject of considerable discussion by the Inam Commission of 1918. Formerly, the presumption as to permanent tenancy rested on rather vague considerations and the Commission of 1918 therefore suggested that in certain specific cases such a presumption should be legally raised. Their recommendation was accepted by Government and has now been embodied in the Land Revenue Code as explanation to section 79. The present Committee are of opinion that the period of 20 years mentioned in paragraph 4 of the explanation to section 79 may be changed to twelve years, as ordinarily uninterrupted possession of immoveable property for that period would raise under the general law a rebuttable presumption of title. If, therefore, a tenant has paid rent or kandayam at a uniform rate continuously for a period of 12 years, it will not be unfair to raise a presumption that his tenure is a permanent or kadim one. The Committee are glad to note that with the exception of one or two witnesses, viz., Mr. M. G. Shama Rao and Mr. Ramachandrachar, no objection has been raised to this suggestion by the inamdar witnesses. Mr. N. Surappa, Secretary of the Inamdars' Association, was agreeable to the reduction of the period to twelve years, and even to six years on the condition that if the tenant did not pay rent for one year, he should lose the kadim tenancy right. Mr. Venkataswami Iyer of Chamarajnagar was not only agreeable to the reduction of the period to twelve years, but went further and stated that each raiyat in an inam village should be a kadim tenant just as a registered occupant in a Government village. Mr. Jayarama Reddy, Kayamguttadar of Peelavaram, stated that he had granted occupancy rights and permanent pattas to all his tenants both in Mysore and British villages.

Mr. Chandrasekhariah, a member of the Committee, was of opinion that questions relating to the nature of the tenancy should be enquired into and finally determined and recorded by the Survey Officer at the time of the introduction of the Settlement and that such record should be considered as presumptive evidence of permanent tenancy or otherwise. The other members of the Committee, however, felt that such a power involving a judicial decision of civil rights of parties should not be conferred on Survey Officers, as under the existing law, a separate forum and procedure have been prescribed for the determination of such controversies. The Committee have, however, no objection to a direction that the Settlement Officer shall make a list of all cases in which disputes are brought up before him as regards the kadim or permanent nature of the tenancy rights and to send the list to the Deputy Commissioners for necessary action under the Land Revenue Code.

Commission under section 99 and amendment to section 97 of the Land Revenue Code.

15. The above recommendations will definitely improve the position of the tenants in inam villages in various important respects. In order to further improve the position of the tenants, and in the interests of the inamdars also, the Committee feel that better facilities should be given to the latter for the collection of rents due to them and in this view, they recommend (1) that after the introduction of Survey and Settlement, Commissions under section 99, Land Revenue Code, may be granted more liberally to eligible inamdars, and (2) that the period of two years fixed in the proviso to section 97, Land Revenue Code, for recovery of rent or land revenue from tenants in an inam village by revenue processes should be raised to six years in cases in which the rent or land revenue is payable in cash, the existing provision remaining unaltered in the case of payment of rent in kind.

16. Under section 99, Land Revenue Code, it is lawful for Government at any time to issue a commission to any holder of alienated land conferring upon him all or any of the powers mentioned in that section, provided that the powers under clauses (c) to (f) shall not be conferred on holders of lands to which Survey Settlement has not been extended. This section also provides for the investment of holders of alienated villages with any of the powers of a Deputy Commissioner when such holder has, within 30 years before the passing of the Regulation,

regularly exercised corresponding powers. Additional instructions in the matter are contained in Article 178 of the Revenue Manual, Part I, under which certain limitations are imposed. For instance, the power to demand security (*i.e.*, clause (a) for payment of land revenue should not be generally conferred. The power to fix the khistbandi should not also be conferred and the inamdar should be required to generally adhere to the usual khistbandi. In practice, all the applications for powers under section 99 are not sanctioned, because not only have the abovesaid conditions to be fulfilled, but also it is equally important to see that the persons aspiring to the exercise of the powers are sufficiently educated and possess at least a working knowledge of Revenue Law and Procedure. With the compulsory introduction of Survey and Settlement into all inam villages, these restrictions may be relaxed and the Committee considered that the grant of Commissions by Government should, therefore, be more liberal, provided the inamdar is otherwise eligible to exercise the powers.

17. The assistance to be rendered by a Revenue Officer to the superior holder for recovery of rent under section 97 is governed by the condition that an application for assistance should be made within two years from the end of the revenue year in which the said rent or land revenue becomes payable. The witnesses examined are almost all in favour of the liberalisation of this Section.

18. After a careful consideration of the matter, the Committee are of opinion that with the compulsory introduction of the settlement, and in view of the other recommendations which the Committee are making in favour of the tenants, there should be no objection whatever to give the inamdars the same right for the recovery of the arrears through revenue processes, as they now have in Civil Courts; that is to say, to enable them to recover all the six years' arrears through revenue agency.

Mr. Chandrasekhariah, though agreeable to the recovery of six years' arrears when any alienated village comes under the management of Government, does not think it desirable to extend the same concession when the villages are managed by the inamdars themselves; but, in view of the opinion expressed by other members, he does not wish to press his objection.

19. A necessary corollary of the above recommendation is that by the extension of time proposed for the recovery of the inamdars' dues through revenue processes, the Government will also be enabled when they take villages under Government management under section 119 (a) of the Land Revenue Code to collect arrears more easily. The Government Officers will thereby automatically have power to recover from the tenants summarily through revenue processes six years' dues instead of two years' arrears. At present, the Government Officers in such cases are at a serious disadvantage, and the raiyats of villages taken over under Government management under the above section (*e.g.*, Dodbagal village in T.-Narsipur Taluk) are simultaneously subjected to three different processes for recovery, *viz.*, by revenue officers through revenue agency for the collection of two years' dues, by the Revenue Officers through Civil Courts for more than two years' arrears, and again by the inamdars through Civil Courts for arrears that accrued prior to the assumption of management by Government. The worry and vexation to raiyats, and the delay and complexities in procedure will all be avoided if both the inamdars and the Government are given authority to recover six years' dues through revenue agency under section 97. Of course, the rights of parties to challenge the decision in a Civil Court will not be affected by the conferment of the powers proposed above.

Inamdars and Village Officers.

20. Another direction in which the tenants of inam villages have to be helped is in the compulsory appointment of Patels and Shanbhogs for each inam village and the maintenance of accounts as in Government villages. The existing provisions governing the appointment of village officers and prescribing the accounts to be compulsorily maintained by them and the mode of calculating their remuneration are contained in section 9 of the Village Offices Regulation, Rule 6 and 6 (a) of the Land Revenue Rules and Article 79 of the Revenue Manual, Part I. In the appointment of village officers, inamdars are bound by the same principles as would bind Government in regard to hereditary village servants in unalienated villages. Section 9 of the Village Offices Regulation has to be applied when there

is a vacancy in a hereditary office, but there is no provision anywhere making it obligatory that there should be a Shanbhog and a Patel in an inam village. The Committee have in their itineration come across a number of villages where there are no Shanbhogs or Patels, either because there is no hereditary officer for the village, or because the inamdar has not cared to appoint one. The result is that no regular Khate or Khirdi for the village is maintained for each year, the grant of receipts for payment is uncertain, and the position of the tenant in regard to the correct demand against him is one of insecurity. The Committee noticed a case in which collections were even now being made on an account written in the year *Sarvajit* that is, 47 years ago. They are therefore of opinion that the compulsory appointment of a Shanbhog and Patel to every alienated village should be enforced.

21. A question that arose in the course of the Committee's enquiries was whether in the case of the inamdar himself being the hereditary Shanbhog of the village, he should or should not be allowed to do the duties of the office. The Committee felt that the combination in one person of the position of inamdar and the office of Shanbhog was undesirable as his interest as an inamdar might possibly influence his actions as a Shanbhog in the compilation of the accounts, granting receipts for kandayam paid by tenants, etc., and for this reason they resolved that in cases where the inamdar happens to be also the hereditary Shanbhog, he should be disqualified from holding the latter office as long as he happens to be the inamdar—in other words, that his *hak* might be suspended and that a separate person who is not a member of the undivided family of the *hakdar* might be appointed to officiate. The *hak* need not be forfeited in such cases and if the disqualification ceases, the *hak* should revert. The Committee are also of opinion that where an inamdar is thus debarred from holding the Shanbhogi office, the *potgi* payable to the substitute should be borne by the Government. The Chairman is not satisfied about the propriety of this conclusion, but in view of the unanimous opinion of the other members, he does not wish to press his objection.

Accounts to be maintained.

22. As regards the accounts to be maintained by the Shanbhogs, the question came up before the Commission of 1918, but they did not consider it necessary to change the existing rules and left it to the discretion of the inamdar as before to maintain such accounts as suited his requirements. In view of the difficulties that are experienced by the tenants to know the correct demand and the difficulty of adjudication in the absence of full accounts, the Committee recommends that the Shanbhog in an inam village should be required to maintain, after the introduction of Survey and Settlement, all the accounts maintained in a Government village. The Committee noticed that in some villages, for example, those owned by Mr. Garudachar, a member of the Committee, and Mr. B. V. Krishna Iyengar, all the village accounts were being maintained exactly as in Government villages.

Potgi of Village Officers.

23. As regards the *potgi*, the remuneration in the case of a village which is unsettled is, according to the present rules, governed by usage, or in its absence, shall be fixed by the Deputy Commissioner at a reasonable amount not exceeding the remuneration payable in accordance with the scale sanctioned for Government villages. In villages into which Survey and Settlement have been introduced, the scale of remuneration is the same as that sanctioned for Government villages. The remuneration so fixed, if not voluntarily paid by the inamdar or other person bound to pay the same, can be recovered from him as an arrear of land revenue. The Commission of 1918 considered that there was no need to modify this rule. The present Committee have no alterations to suggest but would only recommend that in computing the *potgi* of the Shanbhog in an inam village the percentage calculation should be made on the assessment of lands already under cultivation, whether by the inamdar or the tenants.

24. The Committee recommend that if the inamdar makes other arrangements for collecting his dues, the Patel need not attend to the collection work, and his *potgi* need not be paid by the inamdar.

Jamabandy.

25. The next question considered by the Committee was whether there was need for an annual jamabandy by the inamdar. In view of the fact that if Survey and Settlement is compulsorily introduced, there would not be much variation in the demand from year to year, the Committee consider it unnecessary to insist on an annual jamabandy by the inamdar. But the inamdar should, be required to send to the Taluk Office every year account No. IX in addition to accounts Nos. XIV and XV.

Khists.

26. The Committee also consider it necessary in the interests of both the inamdar and the tenants, that facilities should be afforded by the inamdar to his tenants to pay their Kandayam dues according to the prevailing khists as in Government villages. Under the existing law unless the inamdar is authorised by a commission under section 99, Land Revenue Code, to change the Khistbandi at his discretion (*vide* clause 'c'), he is expected to follow the prevailing khists as in Government villages, and power under clause (c) is rarely conferred on an inamdar. Article 178 of the Revenue Manual, Part I, says "The power to change the khistbandi should not be conferred because the inamdar must adhere to the usual khistbandi; or, if he deems a change necessary, he must specify the khistbandi he would propose as reasonable, for the consideration and sanction of Government." Complaints were, however, received that the inamdars demand the full amount in one khist whenever they happen to go to the village. With the appointment of a Patel and a Shanbhog to every inam village, who would be on the spot, there should be no difficulty for the inamdar to make the collection in instalments according to the khistbandi.

Sale of inam villages for arrears.

27. On the other hand, the inamdars represented that an inam village should not be sold for the arrears of the current year's jodi till after the khist season, as the inamdars are expected to recover their rent only in instalments. The request seems reasonable and the Committee recommend that no inam village should be sold for the current year's jodi, etc., earlier than 1st June, though there should be no objection to the adoption of the preliminary coercive processes.

Agents in vritti villages.

28. An allied question is that of the appointment of agents for inam villages where there are several vrittidars or co-sharers. The old rules on the subject are contained in pages 374 and 375, Revenue Manual, Part I. According to them, the co-sharers have to appoint one of them or any other person as an agent to collect and to perform other acts on their behalf within one month after service of a notice upon them. If they fail to make the appointment within that time or such further time as the Deputy Commissioner may grant or if disputes and difficulties arise in the selection of a manager, the Deputy Commissioner is at liberty to nominate and appoint a manager, and he should, if necessary, determine the manner in which he should be remunerated—whether by a fixed salary or by a percentage computed on the annual income or net profits of the estate. The Commission of 1918, while retaining the main provisions, recommended that in making such appointment, the Deputy Commissioner may give preference to one of the vrittidars, failing which the Shanbhog or the Patel may be made the manager if there be no serious objections. They also fixed the remuneration of the agent definitely at five per cent of the gross realisations of the village. These recommendations have been approved in their entirety by the Government in their Order of 2nd July 1925. After careful consideration, the Committee are of opinion that the existing rules are fair and sufficient, but that they require to be strictly enforced.

Remission Rules.

29. A real grievance of the tenants of inam villages is that they cannot obtain remission or abatement of revenue from the inamdars as in Government villages either on an account of failure of rains or of failure of irrigational facilities. At present, inamdars are under no obligation to grant remission of any kind.

The recommendation made by the Commission of 1918 and approved by Government was that "on proof forthcoming of the inamdars granting remission of revenue in case of wide spread failure of crops on the analogy of Government granting remissions, they may be allowed proportionate remission of jodi payable by them." The recommendation therefore was in the nature of a relief to the inamdar who granted remission of his own accord but did not take note of the fact that the inamdar is generally disinclined to forego his demand and is rarely inclined to give any remission. The Committee therefore recommend that the rules regarding the grant of remission of half the wet assessment in the Government villages for failure of rains may be extended to the kadiin or permanent tenants in inam villages also, the loss of revenue on account of remission being distributed between the Government and the inamdar in the proportion of jodi and jari. The procedure for grant of such remission should be the same as that prescribed for Government villages, that is to say, the Revenue officers should include inam villages in their itinerary, inspect the crops, the supply of water in the tanks, etc., check the pahanies or other accounts available and make recommendations on receipt of applications for relief from the raiyats. The step now recommended will give real relief to the kadiin and permanent tenants in inam villages in times of distress inasmuch as they need only apply to the Amildar of the Taluk who, if satisfied that the tract fulfils the usual conditions for remission, will submit a report to the higher officers for the grant of necessary relief. The remission proposed cannot, of course, be extended to tenants-at-will.

Gomal.

30. The lack of sufficient gomal for the village cattle and their indiscriminate appropriation for cultivation is another hardship complained of by the tenants of some of the villages. The Committee are, however, of opinion that the resolution accepted by Government in paragraph 12 of their Order, dated 22nd January 1927 is sufficient. Before the Inam Commission of 1918, Government were not interfering with the Inamdars' powers to dispose of gomal or communal lands in inam villages. The Commission recommended that a sufficient extent of gomal calculated on the same basis as in Government villages should, in fairness, be allowed by the inamdars also in their villages. Government, accepting the recommendation of the Commission, ordered that the inamdar should not be allowed to dispose of the gomal or other communal lands without the approval of the Deputy Commissioner. The Inamdars' Association again urged that the interference of Government in this matter should be withdrawn. Government in paragraph 12 of their Order of 1927 refused to modify their previous order, but added that the inamdar was at liberty to appeal to Government if he felt aggrieved by the order of the Deputy Commissioner on this subject. The Committee consider that the existing orders are quite fair both to the tenants and to the inamdars and do not require alteration. The introduction of Survey and Settlement will also automatically give relief to the raiyats if land is available for being set apart as gomal.

Restoration and Maintenance of tanks.

31. The neglected condition of irrigation works in inam villages is another source of hardship to the tenants. Till recently, the inamdars had no incentive to get these works restored and maintained in an efficient condition, as, unlike in Government villages, the entire cost of restoration and maintenance devolved on them, the tenants escaping responsibility altogether. In their Orders Nos. R. 28-48--L. R. 482-17-42, dated 2nd July 1925 and R. 4306-26--L. R. 126-25-7, dated 22nd January 1927, Government accepting in the main the recommendations of the Inam Commission of 1918, have held that the responsibility of inamdars and tenants should be enforced on the same principle as in Government villages, and that after the raiyats' share of the cost of restoration is deducted, the balance should be borne by the inamdar and the Government in the proportion of jodi and jari. The inamdars were also to be given the power of enforcing the responsibility of the raiyats for annual maintenance work. It was intended that legislation should be undertaken to give effect to these principles in so far as fresh legislation was necessary. But, unfortunately, the law has not been amended and in practice also, the orders of 1925 and 1927 have remained a dead letter. While a vigorous policy

of tank restoration in Sircar villages has been undertaken by Government during the last six or seven years, the tanks in inam villages have remained without improvement. The orders of Government referred to above seem to be fair and meet the requirements of both inamdars and tenants, and the present Committee therefore recommend that steps be taken to give immediate effect to the said orders, legislation being undertaken where necessary. If this is done, neither the inamdars nor the tenants will have any just grievance in respect of the restoration and maintenance of irrigation works.

Communications and other amenities.

32. In the course of their itineration, representations were made to the Committee by both the inamdars and the raiyats that inam villages were not well served with communications, were not given any share of the grant for public improvements like drinking water wells, etc., and that adequate medical and sanitary facilities were not provided. As a general rule, the condition of inam villages may be said to be not so good as that of Government villages, and the Committee therefore feel that as the different kinds of cesses are being recovered from the inamdars and tenants of inam villages, they are entitled to their proper quota of assistance from Government and District Boards in connection with the various schemes of rural improvement. The District Boards should be required to pay greater attention in respect of communications, drinking water wells and schools in inam villages. The Revenue Department may also be asked to take more interest in the development of Panchayets in inam villages.

Government Management of Inam Villages.

33. The second term of reference will now be taken up. This raises the question whether the existing powers for taking inam villages under Government management are sufficient or require to be extended. The subject came up for consideration before the Inam Commission of 1918, and as a result of their recommendations, Section 119 (a) has been added to the Land Revenue Code. As the law now stands, inam villages may be taken over under Government management under two sets of conditions, *viz.*, (1) under Sections 165 and 166 of the Land Revenue Code when revenues due to Government have fallen into arrears, and (2) under Section 199 (a) of the Code when mismanagement of the inam villages during their minority or unsoundness of mind of the inamdar has been proved. It follows therefore that neither the tenants nor the inamdars can ask for the villages being taken under Government management on grounds other than those covered by the Sections of the Code referred to above. The Committee consider that the existing provisions do not cover all cases of hardship. Want of harmony among the inamdars leads to the exploitation of the situation by the tenants and gross mismanagement by the former causes a situation justifying interference by Government in the interests of both inamdars and tenants. The testimony of both before the Committee was generally in favour of an extension of the existing provisions of law, and after considering all the opinions received by the Committee, they have resolved to recommend that the existing scope for taking over villages under Government management should be enlarged. Where *kadim* and permanent tenants holding not less than 30% of the occupied lands in an inam village apply to the Deputy Commissioner that the village should be taken over under Government management on account of disputes or misunderstandings between them and the inamdar, the Deputy Commissioner may be required to hold a formal enquiry, and if satisfied that it is necessary to so take the village, he should make a recommendation to Government. Again, where an inamdar or where the village is held in shares or *vrittis*, the sharers or *vrittidars* holding not less than 30 per cent of the lands in the village apply to the Deputy Commissioner that the village should be taken under Government management, on account of misunderstandings between them and their tenants, or on account of disputes among themselves, or for other valid reasons, the Deputy Commissioner may similarly hold a formal enquiry, and if satisfied that the village should be taken over, he should make a recommendation to Government. But, such management should not however be for a period less than eight years, and 9 per cent of the revenue of the village may be required to be paid by the inamdar to Government towards the cost of administration.

The Committee have fixed the above limit in respect of kadim tenants and co-sharers as it would be difficult to get a larger proportion of the tenants or *vrittidars* to join in an application and any concession extended would be a dead letter with a higher percentage. They have fixed the minimum period for taking under Government management at eight years, for the reason, that Government will not be in a position to bring order and systematise the administration of an inam village which has been previously badly managed, in a shorter period, and if Government management has to be beneficial at all, it must extend over a sufficiently long period. The Committee have fixed the charges for management at 9 per cent of the revenue of the village in order to discourage applications on inadequate grounds.

Powers of Government in an Inam Village under their management.

34. Closely allied to the above question is that of extended powers to Government officers when an inam village comes under Government management. Government have repeatedly pointed out that the management of an inam village is an important trust and that the Revenue officers should discharge to the best of their ability the trust imposed on them. The Committee notice that notwithstanding the best efforts made by the Revenue Officers, the collection in inam villages under Government management is not as satisfactory as could be desired. It is for this reason that the Committee feel that Government should have greater powers than under the existing rules in the matter of the collection of arrears. The subject has already been dealt with in paragraph 19 *supra*, and if the amendment therein proposed is sanctioned, the object in view will have been gained.

Cancellation of inam tenure and substitution of cash grant.

35. The third and last term of reference will now be taken up. This question arose out of the discussions in the Legislative Council on the Resolution brought forward by Mr. D. H. Chandrasekhariah. The Committee enquired of all the inamdar-witnesses who appeared before them whether they would agree to their rights as inamdars being acquired by Government and a fixed cash remuneration based on the net realisations of the village granted to them instead. Many of them were opposed to the proposal on the ground that it would affect their prestige and status with the tenants and the general public. But some of them chiefly those that were anxious to get rid of the worry, trouble and the inconvenience of management were quite prepared to approve of such a proposal. Inam villages have been granted by Sovereigns in the past to the family of the inamdars for some kind of meritorious work rendered by them either to the person of the Ruler or to the State or for military services or on account of some act of charity and so on. It is therefore only natural that some sentiment should attach to the position of an inamdar and that that position should carry some amount of prestige in public estimation. It seems therefore out of the question to make such acquisition compulsory. But, where the inamdar is agreeable, the Committee see no objection to power being taken by Government for acquiring such villages and extinguishing their inam tenure, and sanctioning an annual cash grant instead, calculated on the net realisations to the inamdar after making due allowance for prospective expansion of cultivation and revision of assessment at subsequent Settlements. In the case of such acquisitions, all *khas* lands standing in the name of the inamdar will continue in his name and he will have to pay assessment in respect of those lands to Government like any other raiyats holding lands in the village.

Summary of Recommendations.

36. The recommendations of the Committee will now be summarized :—

I. (i) *Survey and Settlement shall be compulsorily introduced into all inam villages to which they have not yet been introduced*, but subject to the condition that the total income of the inamdar from his tenants, permanent or kadim, in cash or in kind or in both, shall not be reduced below what he was getting before the Settlement. The rates of assessment should be so adjusted as to secure this result, provided that in no case shall the assessment fixed exceed the maximum rates fixed for dry, wet and garden lands in the group. All batayi lands shall

be assessed at the Settlement rates of assessment prevailing in the locality (paragraphs 11 and 12).

(ii) As the introduction of Survey and Settlement will be made compulsory, Government should bear the entire cost of operations. The incidental charges for flag-holders, etc., will, as usual, be borne by the inamdar and the villagers (paragraph 13).

(iii) After the introduction of Survey and Settlement, Commissions under Section 99 of the Land Revenue Code, may be sanctioned more liberally to eligible inamdars (paragraph 18).

II. (i) "*Twelve years*" may be substituted for "*twenty years*" in paragraph four of the explanation to Section 79, Land Revenue Code, regarding presumption as to tenures (paragraph 14).

(ii) If disputes arise during Settlement as to whether a tenancy is of a kadim or permanent nature, the Settlement Officer should make a list of such cases and send them to the Deputy Commissioner for necessary action under the Land Revenue Code (paragraph 14).

III. (i) There should be Patels and Shanbhogs for all alienated and kayam-gutta villages. The inamdar, if he also happens to be the *hakdar* should not officiate as the shanbhog as long as he continues to be inamdar. In such an event, a separate person who has no interest as inamdar and who is not a member of the undivided family of the *hakdar* should be appointed as shanbhog-gumasta, the potgi payable in respect of the office being paid by the Government. The shanbhog should, after Settlement, be required to maintain all the accounts maintained in Government villages (paragraphs 20, 21 and 22).

(ii) In computing the potgi of the Shanbhog, the percentage calculation should be made on the assessment of lands actually under cultivation, whether by the inamdar or tenants (paragraph 23).

(iii) If the inamdar makes other arrangements for collecting his dues, the patel need not attend to collection work (paragraph 24).

IV. There is no need for an annual Jamabandy by the inamdar but the inamdar should send to the Taluk Office every year Account No. IX, in addition to Account Nos. XIV and XV (paragraph 25).

V. With regard to gomal, the resolution accepted by Government in paragraph 12 of their Order No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927 may be given effect to (paragraph 30).

VI. In regard to the restoration of tanks in inam villages, *legislative provision should be made to give effect to paragraphs 2 (Point V) and 7 of Government Order No. R. 21-48—L. R. 482-17-42, dated 2nd July 1925 and Government Order No. R. 4306-26—L. R. 126-25-7, dated 22nd January 1927, respectively, (paragraph 31).*

VII. (i) The scope for taking over villages under Government management should be enlarged. Where Kādim and permanent tenants holding not less than 30 per cent of the occupied lands in an inam village apply to the Deputy Commissioner that the village should be taken under Government management on account of disputes or misunderstandings between them and the inamdar, the Deputy Commissioner shall hold a formal enquiry. If, after such enquiry, he is satisfied that it is necessary that the village should be taken under Government management, he shall make a recommendation to Government to that effect. Again, where an inamdar applies or where an inam village is held in shares or vrittis, and the sharers or vrittidars holding not less than 30 per cent of the extent of the village apply to the Deputy Commissioner that the village should be taken under Government management on account of misunderstandings between them and their tenants, or on account of disputes among themselves or for other valid reasons, the Deputy Commissioner shall hold a formal enquiry and if satisfied that the village should be taken under Government management, he shall make a recommendation to Government to that effect.

(ii) An Inam village shall not be taken under Government management for a period less than eight years, in the circumstances set forth in (i).

(iii) If an inam village is thus taken under Government management, nine per cent of the revenue of the village shall be paid by the inamdar to Government towards the cost of administration (paragraph 33).

VIII. (i) *The period of two years fixed in the proviso to Section 97 of the Land Revenue Code for recovery of rent or land revenue from tenants in an inam village by revenue process should be raised to six years in the case of rent or land revenue payable in cash. In the case of rent or land revenue payable in kind, the existing provision may remain unaltered (paragraph 18).*

(ii) *If an alienated or kayamgutta village is taken under Government management, Government should be empowered to collect all recoverable arrears, i. e., arrears not barred by limitation that were outstanding at the time when the village was taken under Government management, or which accrue subsequently by taking coercive processes as in Government villages (paragraph 19).*

IX. *The rules regarding the grant of remission of half wet assessment in Government villages for failure of rains may be extended to kadim and permanent tenants in inam villages also, the amount of remission being distributed between the Government and the inamdar in the proportion of jodi and jari. The procedure for the grant of such remissions shall be the same as that prescribed for Government villages (paragraph 29).*

X. *Whenever inamdars offer to relinquish their inam rights in any particular village on condition of receiving an annual cash grant calculated on the actual net realisations to the inamdar after making due allowances for prospective expansion of cultivation and revision of assessment at subsequent Settlements, Government shall take power for acquiring such villages and for extinguishing the inam tenure of the village. All Khas lands standing in the name of the inamdars will, however, continue in their name and the inamdars will pay assessment in respect of those lands to Government like other raiyats holding lands in the village (paragraph 35).*

XI. *The District Boards may be required to pay greater attention to the improvement of inam villages in respect of communications, drinking water wells, schools, etc., as local and other cesses are being recovered from the inam villages also (paragraph 32).*

XII. *Where there are several vrittidars or co-sharers in an inam village and the vrittidars or co-sharers fail to appoint an agent, the existing provision in regard to the Government appointing an agent shall be strictly enforced, with a view to the proper management of such village (paragraph 28).*

XIII. *Facilities should be afforded by the inamdars to the tenants of inam villages to pay their kandayam dues according to the prevailing khists as in the case of Government villages (paragraph 26).*

XIV. *No inam village shall be sold for arrears of the current year's revenue earlier than the first June, i. e., till after the close of the khist season. But, there is no objection to taking the preliminary processes, such as the issue of demand notices, etc., as soon as the first khist of the jodi falls into arrears (paragraph 27).*

Conclusion.

37. The Committee are glad that they are in a position to make a unanimous report to Government, although many points of difference arose in the course of their discussions. They wish to express their thanks to the gentlemen, inamdars and tenants, who readily responded to their notice and gave them helpful suggestions. The Committee are also indebted to Mr. S. N. Appanna Iyengar, Deputy Superintendent of Survey, who was the Secretary of the Committee at the earlier stages, and to Mr. T. Ramaiya, who succeeded him, for the zeal and enthusiasm with which they lightened the labours of the Committee and the valuable help rendered by them. The Committee wished to record their appreciation of the work done by the staff deputed for the purpose.

(Sd.) S. HIRIANNAIYA, (*Chairman*).

(Sd.) C. S. KUPPUSWAMIENGAR.

(Sd.) K. CHENGALARAYA REDDY.

(Sd.) D. H. CHANDRASEKHARAIYA.

(Sd.) K. V. ANANTARAMAN.

(Sd.) B. K. GARUDACHAR.

(Sd.) T. RAMAIYA (*Secretary*).

26th August 1933.

NOTIFICATION.

OFFICE OF THE SECRETARY, MYSORE LEGISLATIVE
COUNCIL, PUBLIC OFFICES, BANGALORE.

Notification No. 4528—L. C., dated 9th April 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

A Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows:—

The following section shall be inserted as section 166-A:—

“Notwithstanding anything contained in the proviso to section 97 of this Regulation, the Deputy Commissioner or the Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due.”

STATEMENT OF OBJECTS AND REASONS.

Under section 165, Land Revenue Code, the Deputy Commissioner may, with the previous sanction of the Revenue Commissioner attach and take over the management of an Inam village in respect of which an arrear is due. The view held till recently in the Government Orders noted in the margin was that when an Inam village was so attached and taken under Government management, it was restored temporarily to its original condition of an unalienated village and that the assessment due from the holders in such a village could be recovered by summary process without any limit of time.

Preamble.

Addition of a new section 166 A.

Recovery of rent, etc., due during such management.

No. R. 5762—
360-14-8, dated
11th Decem-
ber 1915.
No. R. 6055-
93—L. R. 389-
22-4, dated 9th
April 1928.

The High Court however in second appeal No. 86 of 1927-28 (Shamasubbiah *vs.* Subba Rao) held that so long as an Inam village was under Government management, the rights of Government, except to the extent to which they are expressly provided for, are those of a Manager and as such the right of the Government *qua* Manager to recover the arrears of rent due from an inferior holder is subject to the same limitation as that prescribed in the case of the superior holder himself, under Article 119-A of the Limitation Regulation, *viz.*, six years.

The effect of this decision is that even if an Inam village is taken over under Government management, Government cannot recover arrears of rent or revenue by summary revenue process except for a period of two years and for recovery of six years' arrears which the Law of Limitation allows, Government is compelled to have recourse to a civil court.

These restrictions are likely to create difficulties in the management of Inam villages and the recovery of Government revenue. It is therefore considered necessary to amend the Land Revenue Code so as to enable the Government (Revenue Officers) to recover by summary process the rent or land revenue due by inferior holders or co-sharers in their holdings provided that action for such recovery is taken within six years from the end of the revenue year for which the said rent or land revenue became due.

NOTIFICATION.

No. 5987—L.C., dated 5th June 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council and in modification of Notification No. 4528—L. C., dated 9th April 1934, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

A Bill Further to Amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows:— Preamble

1. Section 129 of the said Code shall be numbered as sub-section (1), and the following sub-section shall be added thereto:—

(2) Where a boundary has been so fixed, the Deputy-Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims." Amendment of section 129.

2. The following section shall be inserted as section 166-A:— Addition of a new section 166-A.

"Notwithstanding anything contained in the proviso to section 97 of this Regulation, the Deputy Commissioner or the Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter the rent or land revenue due by inferior holders or by co-sharers in their holdings provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due." Recovery of rent, etc., due during such management.

and accrued in or after the revenue year in which such attachment was effected
accrued after the assumption of such management and

Statement of Objects and Reasons

1. Sections 127 to 129 of the Land Revenue Code empower the Revenue authorities to enquire into and settle disputes relating to boundaries of survey numbers at any time before or after survey and such a settlement will be determinative not only of the position of the boundary line, but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been empowered to enforce his decision by evicting the person in wrongful possession in accordance with the procedure prescribed under section 209. The injured party has, therefore, to go to the Civil Court to get possession of his land encroached upon in case there is no voluntary relinquishment. Section 121 of the Bombay Land Revenue Code corresponding to section 129 of the Mysore Land Revenue Code has been amended in 1913 empowering the Collector to enforce his decision by evicting summarily the person in wrongful possession. It is, therefore, proposed to amend the Mysore Land Revenue Code by the addition of a clause to section 129 similar to clause (2) of section 121 of the Bombay Land Revenue Code. This would satisfy the demand expressed at the Representative Assembly Session of October 1933 for an expeditious remedy in cases of disputed field boundaries.

No. R. 5762—
L. R. 969-14-8,
dated 11th
December
1915.

No. R. 5085-
93—L. R.
339-22-4, dated
9th April
1928.

2. Under section 165, Land Revenue Code, the Deputy Commissioner may, with the previous sanction of the Revenue Commissioner attach and take over the management of an Inam village in respect of which an arrear is due. The view held till recently in the Government Orders noted in the margin was that when an Inam village was so attached and taken under Government management, it was restored temporarily to its original condition of an unalienated village and that the assessment due from the holders in such a village could be recovered by summary process without any limit of time.

3. The High Court, however, in second appeal No. 86 of 1927-28 (*Shamasubbiah Vs. Subba Rao*) held that so long as an Inam Village was under Government management, the rights of Government, except to the extent to which they are expressly provided for, are those of a Manager and as such the right of the Government *qua* Manager to recover the arrears of rent due from an

inferior holder is subject to the same limitation as that prescribed in the case of the superior holder himself, under Article 119-A of the Limitation Regulation, *viz.*, six years.

4. The effect of this decision is that even if an Inam village is taken over under Government management, Government cannot recover arrears of rent or revenue by summary revenue process except for a period of two years and for recovery of six years' arrears which the law of Limitation allows, Government is compelled to have recourse to a civil court.

5. These restrictions are likely to create difficulties in the management of Inam villages and the recovery of Government revenue. It is, therefore, considered necessary to amend the Land Revenue Code so as to enable the Government (Revenue Officers) to recover by summary process the rent or land revenue due by inferior holders or co-sharers in their holdings provided that action for such recovery is taken within six years from the end of the revenue year for which the said rent or land revenue became due.

Transcript not yet
approved by the concerned
members for V

GOVERNMENT BUSINESS (Continued)

5. Bill further to amend the Mysore Land Revenue Code, 1888.

(a) Motion that the Bill published under rule 8 of the rules of business be read in Council.

Rajamantrapravina Diwan Bahadur

K. PATIL: Sir, I beg to move that the Bill to amend the Mysore Land Revenue Code which has been published under Rule 8 of the Rules of Business be read in Council.

The bill deals with two matters. The first relates to boundary disputes. Sections 127 to 129 of the Land Revenue Code empower the Revenue authorities to enquire into and settle disputes relating to boundaries of survey numbers at any time before or after survey and such a settlement will be determinative not only of the position of the boundary line, but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been empowered to enforce his decision by evicting the person in wrongful possession in accordance with the procedure prescribed under section 209. The injured party has, therefore, to go to the Civil Court to get possession of his land encroached upon in case there is no voluntary relinquishment. Section 131 of the Bombay Land Revenue Code

Code corresponding to section 120 of the Mysore Land Revenue Code has been amended in 1913 empowering the Collector to enforce his decision by evicting summarily the person in wrongful possession. It is, therefore, proposed to amend the Mysore Land Revenue Code by the addition of a clause to section 120 similar to clause (2) of section 121 of the Bombay Land Revenue Code. This would satisfy the demand expressed at the Representative Assembly Session of October 1938 for an expeditious remedy in cases of disputed field boundaries.

The second matter is in respect of the recovery of rent due from tenants of alienated villages, in cases where the village has been taken over under Government management for recovery of arrears of revenue. The view held till recently was that when an 'inam' village is attached and taken under Government management it is restored temporarily to its original condition of an unalienated village and that the rent due from the holders of land in such a village could be recovered in just the same way as arrears of land revenue in unalienated villages without any bar by limitation. In a case that went up before the High Court, the Hon'ble Judges have held that so long as an 'inam' village was under Government management, the rights of Government, except to the extent to which they are expressly provided for, are those of a Manager and as such the right of the Government qua Manager to recover the arrears of rent due from an inferior holder is subject to the same limitation as that prescribed in the

the case of the superior holder himself under Article 119 A of the Limitation Regulation, viz., six years. The effect of this, taken with the provisions of sections 97 and 98 of the Land Revenue Code is that Government cannot recover arrears of rent or revenue of alienated villages taken under their management by the ordinary process of recovery of land revenue, except for a period of two years; demands for rent beyond six years become barred by limitation and for demands of more than two and less than six years recourse must be had to a civil court.

It is felt that recourse to civil court is not advantageous either to the inamdars or the tenant. Accordingly it is proposed in the second clause of the Bill to add a section to the Land Revenue Code enabling revenue officers to recover rent or land revenue due from inferior holders in the same manner as for recovery of land revenue in ~~an~~ an unalienated village, within six years from the end of the year for which the rent or land revenue became due.

The general principles of the Bill were placed before the Representative Assembly at ~~the~~ ^{it} recent session. The first part of the bill received unanimous support. In respect of the second part, it was urged that having regard to the unsatisfactory manner in which accounts of ~~the~~ ^{it} villages are frequently kept, the tenants would be put to great hardship if the accounts that may be furnished by the inamdars are ~~to be~~ ^{it} basis for recovery of arrears by the revenue officers. It was of course never intended that

that revenue officers were to resort to the summary revenue process for recovery of fictitious, invalid or doubtful claims, and Government in compliance with the general feeling of the Representative Assembly agreed to limit the scope of this clause to any years accruing after the village comes under their management. On this assurance the second part of the bill was also agreed to by the whole House. The necessary changes to ensure this can be made in the Select Committee.

Sir, I now move that the Bill be read in Council.

Mr. S. ABDUL FAJID (General Secretary to Government): Sir, I beg to second the motion.

Mr. H.C. DASAPPA: Sir, I have great pleasure in supporting this Bill especially in view of the assurance given by the hon'ble Member with regard to the second portion of the Bill and promising that necessary changes in accordance with the desire of the members of the Representative Assembly would be incorporated at the select committee stage. I have only to mention one or two matters in connection with the first part. If the person who is to be evicted was no party to the enquiry either by the Deputy Commissioner or by a subordinate officer at the time when the issue was before them, I am anxious that the Bill should provide for an enquiry before the order of eviction is issued by the Deputy Commissioner. If he was a party, then I would say there is still need for a notice being issued to him and some time given before he is evicted by an order or process of the Deputy Commissioner. I am also anxious that no eviction order should issue from the office of the Deputy Commissioner before the time for appeal expires. I think that that much at least the party aggrieved is entitled to. So, I would only suggest that these things may be considered at the select committee stage, and I have great pleasure in supporting the Bill.

Mr. J.N. CHANDRASEKHAR: Sir, recovery of six years arrears by the Government when they take the management of an Inam village is certainly very desirable. I think it was one of the recommendations of the Inam Committee. I should think that the Government should have by this time taken into consideration the other recommendations of the Inam Committee and taken steps to implement them in this bill itself. In fact this is one of the most minor recommendations made in the report. The object of that recommendation is to prevent process being undertaken by the Government as well as by the Inamdar. The recommendation was the result of our experience in one of the villages, Habbagilu. I think in Mysore District, to which we paid a visit. The village was under Government management and the Inamdar was taking steps to recover two years arrears of revenue. Arrears beyond those years were being recovered by the Inamdar by filing suits in the Civil Court. So the ryots were in great confusion, whether they were paying the arrears accrued before 2 years or during those two years. It is with a view to prevent this confusion in the matter of those arrears that the recommendation was made. I for one feel that the amendment which the Government have accepted in deference to the wishes of the Representative Assembly does not prevent the confusion which will still arise in Inam villages. If the recovery is made of the arrears of the previous six years,

then the Inamdar or the Agent will not be in a position to recover an area beyond that period, and it is only Government that can recover them. In any case he will be compelled to go ^{to} the Civil Court and I am sure that in 99% of the cases the ryots are put to difficulty. I feel that if the Government had authority to recover six years arrears, we could have requested them to hold a proper enquiry whether they were really due and if they came to the conclusion that they were due, then they could recover by summary process. The ryots also would have been able to put their case before the Magistrate or the Sub Division Officer as the case may be and tried to show that they had already paid the assessment or rent to the Inamdar. But now the Inamdars will be compelled to go to Civil Court and thereby the ryot is put into a difficult position. He will be unable to prove that he has paid the kadayam, because the Inamdar will not have kept accounts and the ryot will not have taken receipts and the result is that the Inamdar will win and not the ryot. But, if the case ^{had gone} ~~was~~ before a revenue officer, I am sure that an enquiry would have been held and the ryot would have got better justice, because they will have documents. I am sorry that the Representative Assembly insisted on the recovery of the arrears by summary process only after the village came under Government management. If the recovery had been extended to six years even before Government assumed management, I think then the position of the ryots would have

have been better than it could be under the new arrangement. Even now I request the Government to kindly consider that aspect of the matter and see how far they can prevent the confusion in the recovery of 6 years of arrears due before they take up management.

In this connection I also request the Government to kindly take the other recommendations of the Inam Committee into consideration and implement them as early as possible.

Mr. K.T. BHATHYANI AIYANKAR: I did not intend to speak on this Bill because I thought it was non-controversial after the speech of the hon'ble mover. But, my hon'ble friend Mr. Chandrasekhariah has questioned the soundness of the suggestion made by the Representative Assembly, a suggestion which has been very kindly accepted by the hon'ble Mover, an acceptance which itself shows that the suggestion made was sound indeed. If you are going to allow arrears of kandyam to be collected summarily for a period of 6 years prior to the taking over of the village by Government, the question will arise, what is the arrears? And while the tenant on the one side ^{may} ~~might~~ put forward the plea that he has paid the amount, the Government will not be in a position to know what exactly has been paid and what is ^{exactly} due. Then, they will have to rely upon the accounts furnished by the Inamdar. But, as very rightly pointed out by the hon'ble Mover, it is very difficult to get at the exact accounts from the Inamdars. Some of them ^{accounts} keep regularly, I know; but generally, in very many cases it is very difficult to get at the exact accounts properly kept and verifiable. Therefore the person who will stand to lose and suffer and face the harassment will be the tenant, the ryot of the Inam village. It is in the interests of the tenants that we wanted that the recovery of arrears should be limited to those which accrue after the Government take over the management, and I am surprised that my friend wants the

the Government to go back again, to the recovery of arrears prior to the taking over of the management.

There is one difficulty. So far as Government villages are concerned, every pie that ~~has~~ is paid will be vouched by a receipt granted. But in the case of *inam* villages, and I dare say that my hon'ble friend Mr. Chandrasekharaiya must be aware of it by now, ~~that~~ the payments are not always vouched for by receipts. Either receipts are not granted or, owing to friendly and intimate relationship which generally exist between the *Ina-dars* and the *ryots*, receipts are not taken.

MR. N.H. CHANDRA SEKHARAIYA: But the tenant will succeed in a civil court?

MR. A. T. BHASHYAN AYYANGAR: I do not want that he should go to civil court at all. I want that the man should be free from the harassment of having to face any court whatever. And when the Government call for payment of arrears for 6 years after taking over the management, there will be no trouble raised, because every pie that he may have paid will ~~be~~ have been vouched for by receipt. I therefore consider that it is in the interests of the tenants primarily that this suggestion must be accepted, and it has been accepted by Government. That is so far as the second part of the Bill is concerned.

As far as the first part is concerned, if the suggestion of my hon'ble friend Mr.

Mr. Dasappa is considered and accepted, I think it would be quite ^{satisfactory} acceptable. Otherwise, there may be some difficulty in the matter.

Supposing the Deputy Commissioner decides the boundary to day and to-morrow he evicts the person who was not a party to that enquiry, then naturally there will be some hardship. Of course the hon'ble Member in answer might say that there is always the right of appeal and the aggrieved party may obtain a stay order. But, I think the suggestion of my hon'ble friend is much more feasible, practicable and much more satisfactory, namely, where a decision is given by the Deputy Commissioner, it shall not be executed until the period of appeal i.e. 30 days expires, and in that period if the party aggrieved goes up in appeal, then I submit he will be in a safer position. That point certainly deserves consideration. With these few remarks I support the Bill.

Rajamuntra pravina Dhan Bahadur P. BHATTAN, ^{mad}
 Sir, there are only two or three observations ^{made} ~~made~~
 regarding the suggestion of Mr. Dasappa, which
 has been repeated by Mr. Bhaskaram Aiyangar,
 that before the procedure of eviction is
 resorted to the person who is to be evicted should
 receive some notice, I have only to draw their
 attention to the procedure laid down in section
 309 of the Mysore Land Revenue Code. It is
 said there that eviction shall be made by first
 serving a notice; so that there will always
 be sufficient intimation to the party aggrieved
 about the action proposed to be taken and I
 hope that will be adequate.

^{Then}
~~As regards~~ Mr. Chandrasekharaiya's
 suggestion that we should go back upon the
 promise given in the Assembly, is, I am afraid,
 impossible. (Mr. K. M. BHASKARAM AIYANGAR:
 "Thank you".) I do not think that the idea
 put forward, that the Inamdar might be proceeding
 against the tenant for the recovery of the
 past arrears while the Government may be
 proceeding against the ryot for the recovery
 of the current year's arrears, is ^{any} argument
 in support of his proposal. That is no
 particular inconvenience. If there are two
 sets of debts due, the Inamdar recovers what
 is due to him and the Government recover what
 is due to them in their capacity as Managers of
 the estate. If the law was such that
 Government were also to take the responsibility
 for the collection of previous arrears, of course
 it will be quite in order.

Mr. D.H. CHANDRASEKHARAIYA: Because then there will be only one agency to collect.

Mr. Jaganmohan Prasad: What does it matter if there are two agencies? It does not matter at all. And Mr. Chandrasekharaiya's another suggestion that the ryot would not get justice in the civil court while he would get justice in the revenue court. I ~~do~~ know whether there are two methods of appreciation of evidence, one in the civil court and another in the revenue court. The manner of carrying conviction to the mind is just the same. It must be only by evidence let in that the revenue court or the civil court would be convinced and I suppose it is always the same. I think I need not say anything more about it.

Mr. PRESIDENT: The question is:

"That the Bill further to amend the Mysore Land Revenue Code, 1888, published under Rule 8 of the Rules of Business be read in Council".

~~There~~

The motion was adopted.

(b) Motion that the Bill be referred to a Select Committee.

Rajamantraprautha Dewan Bahadur

K. MATHAN: Sir, I beg to move that the Bill be referred to ^a select committee consisting of the following members:-

1. Mr. N. Madhava Rao
 2. Mr. Abdul Majid
 3. Mr. A. P. Nageswara Aiyar.
 4. Mr. N. H. Chandrasekharaiya
 5. Mr. B. L. Garula Char
 6. Mr. K. Chongalaraya Reddy.
- He and the Mover.

Mr. A. ABUL MAJID (General Secretary to Government) : Sir, I beg to second the motion.

Mr. PRATHAP: The question is :

"That the Bill be referred to a select committee composed of the gentlemen named by the Mover"

The motion was adopted.

SUBJECT

Section

File No.

Serial No.

Diary No. of letter replied to

No.

To

General and Revenue Secretariat

()
the 193 .

Date of issue

Signed by

List of enclosures

Copied by

Examined by

in Chambers of the S.C.
Vide list at Page 1

A meeting of the Select
Committee appointed to
consider the Bill for the
amendment of the Mysore
Code, 1888, was held in
the Chambers of the
Secretary of Commerce
Offices, Bangalore
on Friday the 10th August 1930

By Order,

See to the S.C.

Copy to I.D.A.

1st Chamber

✓ 2 Cops for kindly making the
necessary seating arrangements
Y.C. Price ✓
L. Davis ✓

pm
24/7

60

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

Dated, Bangalore 24th July 1934.

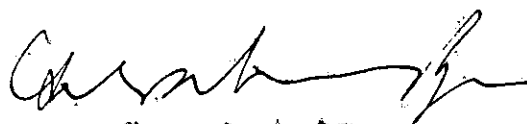
No.

P377-82-

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Bill further to amend the Mysore Land Revenue Code, 1888, will be held in the Chambers of the First Member of Council, Public Offices, Bangalore at 2 P.M. on Friday the 10th August 1934.

BY ORDER,



Secretary to
the Select Committee.

g.m.

To

Member, Legislative Council.

~~GOVERNMENT OF MYSORE~~

GOVERNMENT ADVOCATE'S CHAMBERS, *6/11*

Mr. A. R. NAGESWARA IYER, B.A., B.L.,
Government Advocate.

PUBLIC OFFICES,

Bangalore, 10th August 1934.

D.O. No.

Urgent

Dear Mr. Subrahmanya Iyer,

I am in the middle of an important appeal which is going on from yesterday and I find it is not possible to get an adjournment. I, therefore, regret very much that I am not in a position to attend the Select Committee Meeting to be held at 2 p.m., to-day.

Yours sincerely,

C. Subrahmanya Iyer

C. Subrahmanya Iyer, Esq., B.A., B.L.,
Under Secretary to Government,
Bangalore.

Report of the Select Committee on
the Bill further to amend the Mysore
Land Revenue Code, 1888.

We, the undersigned, Members of the
Select Committee, to which the Bill
further to amend the Mysore Land Revenue
Code, 1888, was referred, have considered
the Bill, and have now the honour to
submit this our report, with the Bill as
amended by us annexed thereto.

In answer to the office of the undersigned
generally but in the D.G. the 2nd
to limit the scope of the new clause
to areas already accured after
~~for taking over~~ the management of
the villages taken over by the Govt
we have substituted the following
clause for sec 4. 2 of the
Bill : —

43

The following amendment is suggested in Clause 2:-

After the words "In their holdings" in line 6, the following words shall be added:-

"and accruing in or after the revenue year in which such attachment was effected".

Clause 2 as revised:-

"Notwithstanding anything contained in the proviso to Section 97 of the Regulation, ⁽²⁾ the Deputy Commissioner or the ^a Agent or Officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter ^{all such} ~~the~~ rent or ^{profits} ~~land revenue~~ due by ~~inferior holders~~ or by co-sharers in ~~their holdings and accruing in or after the revenue year in which such attachment was effected,~~ provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land revenue became due".

This must be republished.

*Sec 106 of the said
shall be numbered
as sec 106(1)
and the FMS 1 shall
be added thereto:-*

*with
all rent*

44

REPORT OF THE SELECT COMMITTEE ON THE BILL FURTHER
TO AMEND THE MYSORE LAND REVENUE CODE, 1888.

We, the undersigned Members of the Select Committee to which the Bill further to amend the Mysore Land Revenue Code, 1888, was referred, have considered the Bill, and have now the honour to submit this our report.

In order to give effect to the undertaking given by Government in the Representative Assembly and the Legislative Council to limit the scope of the new clause to arrears accruing after the management of the village is taken over by the Government, we have substituted the following clause for clause 2 of the Bill:--

"2. Section 166 shall be numbered as sub section (1) and the following shall be added thereto:

(2) The Deputy Commissioner or the agent or officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or land ^{profit} ~~revenue~~ became due."

The Bill need not be republished.

Bangalore
Dated 10th Aug 1934 }

N. M. Thavady

M. S. S. S. S.

K. C. Kengalanaya Reddy.

D. H. Channarayana Channarayana

Channarayana

K. M. S. S. S.

10/8/34

* M. A. R. Nagaswamy, the other member of the Committee was unable to be present at the meeting.

NOTIFICATION.

*No. Rl. 1113—L. C. 1-34-1, Bangalore,
dated 14th August 1934.*

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information.

By Order,-

C. SUBRAHMANYA AIYAR,
*Secretary,
Mysore Legislative Council.*

Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888.

We, the undersigned Members of the Select Committee to which the Bill further to amend the Mysore Land Revenue Code, 1888, was referred, have considered the Bill, and have now the honour to submit this our report.

In order to give effect to the undertaking given by Government in the Representative Assembly and the Legislative Council to limit the scope of the new clause to arrears accruing after the management of the village is taken over by the Government, we have substituted the following clause for clause 2 of the Bill :—

“2. Section 166 shall be numbered as subsection (1) and the following shall be added thereto :—

(2) The Deputy Commissioner or the agent or officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter

all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or profit became due. "

The Bill need not be republished.

K. MATTHAN (*Chairman*).
 N. MADHAVA RAO.
 B. K. GARUDA CHAR.
 K. CHENGALARAYA REDDY.
 D. H. CHANDRASEKHARAIYA.
 S. ABDUL WAJID.

* * *

BANGALORE,

Dated 10th Aug. 1934.

* Mr. A. R. Nagesvara Iyer, the other member of the Committee was unable to be present at the meeting.

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DRAFT.

SUBJECT.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

, the.....191

Date of issue.....

Signed by.....

May this be—

- (i) Printed?
- (ii) Treated as a standing order?
- (iii) Published in the "Gazette" English part?
- (iv) Translated?
- (v) Placed at the disposal of the Press?
- (vi) Published in the "Gazette" Kannada part?

Section. *regis*

File No.

Serial No.

Proceedings of the Government of
H. H. the Maharaja of Mysore.

Order No. *P 3367/Sec 1*Ordered that the accompanying.....*Regulation*

*from this to amend the Mysore
Land Revenue Code, 1888,*

which received the assent of His High-
ness the Maharaja, on the.....*31st*

day of.....*December*.....19*14*be published as Regulation No.....*1*

of 19*14*, in the *Mysore Gazette* for gene-
ral information.

6
Secretary to Government. Encl def 4

To

The Compiler, *Mysore Gazette*, for
publication in Part *IM* of the Gazette, in
English and Kannada and for supply of

.....*1* spare copies in English, and.....*1* spare copies in Kannada *as per S. C*this office, and.....*1* spare copiesin English and.....*1* spare copies

in Kannada to the Curator, Government

Central Book Depot, Bangalore. Proofsshould be sent to this office for approvalbefore publication.

Copy to Translation Section

47

Proceedings of the Government of His Highness
the Maharaja of Mysore.

ORDER NO:

P 3367

45-34-1
Dated, Bangalore, the 7th January 1935.
26

Ordered that the accompanying Regulation further
to amend the Mysore Land Revenue Code, 1888, which received
the assent of His Highness the Maharaja, on the 31st December
1934 be published as Regulation No.V of 1934, in the Mysore
Gazette for general information.

66
for General Secretary to Government.
By

To

The Compiler, Mysore Gazette, for publication
in Part IV of the Gazette, in English and Kannada and
for supply of spare copies in English and Kannada
as per Standing Orders. Proofs should be sent to
this office for approval before publication.

S.R.8

sent down 446/2 IV 48

Proceedings of the Government of His Highness
the Maharaja of Mysore.

ORDER NO:

P 3367
Sepis

Dated, Bangalore, the 7th January 1935.

8th

Ordered that the accompanying Regulation further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the 31st December 1934 be published as Regulation No.V of 1934, in the Mysore Gazette for general information.

Uthukumar

General Secretary to Government.

To

urgent
9.1.35

The Compiler, Mysore Gazette, for publication

in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per Standing Orders. Proofs should be sent to this office for approval before publication.

S.R.B.

Pr. 4

49

110
Regulation I of 1934

NOTIFICATION.

No. 5987—L.C., dated 5th June 1934.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council and in modification of Notification No. 4528—L. C., dated 9th April 1934, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

Received in assent of His Highness the Maharaja of Mysore this first day of December 1934. By Order,
SIBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Regulation
**A Bill Further to Amend the Mysore Land
Revenue Code, 1888.**

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows:— Preamble

1. Section 129 of the said Code shall be numbered as sub-section (1), and the following sub-section shall be added thereto:—

“(2) Where a boundary has been so fixed, the Deputy Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.” Amendment of section 129.

“2. Section 166 shall be numbered as sub-section (1) and the following shall be added thereto:—

and
Addition of a new section 166(2).
Recovery of rent, etc., due during such management.

(2) The Deputy Commissioner or the agent or officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or profit became due.”

Very a. m.
Sewan

for General Secy

Statement of Objects and Reasons.

1. Sections 127 to 129 of the Land Revenue Code empower the Revenue authorities to enquire into and settle disputes relating to boundaries of survey numbers at any time before or after survey and such a settlement will be determinative not only of the position of the boundary line, but of the rights of the holders on either side of it also. But the Deputy Commissioner has not been empowered to enforce his decision by evicting the person in wrongful possession in accordance with the procedure prescribed under section 209. The injured party has, therefore, to go to the Civil Court to get possession of his land encroached upon in case there is no voluntary relinquishment. Section 121 of the Bombay Land Revenue Code corresponding to section 129 of the Mysore Land Revenue Code has been amended in 1913 empowering the Collector to enforce his decision by evicting summarily the person in wrongful possession. It is, therefore, proposed to amend the Mysore Land Revenue Code by the addition of a clause to section 129 similar to clause (2) of section 121 of the Bombay Land Revenue Code. This would satisfy the demand expressed at the Representative Assembly Session of October 1933 for an expeditious remedy in cases of disputed field boundaries.

12—
4-8,
dated 11th
December
1915.
No. R. 5085-
93—L. R.
339-22-4, dated
9th April
1928.

2. Under section 165, Land Revenue Code, the Deputy Commissioner may, with the previous sanction of the Revenue Commissioner attach and take over the management of an Inam village in respect of which an arrear is due. The view held till recently in the Government Orders noted in the margin was that when an Inam village was so attached and taken under Government management, it was restored temporarily to its original condition of an unalienated village and that the assessment due from the holders in such a village could be recovered by summary process without any limit of time.

3. The High Court, however, in second appeal No. 86 of 1927-28 (Shamasubbiah Vs. Subba Rao) held that so long as an Inam Village was under Government management, the rights of Government, except to the extent to which they are expressly provided for, are those of a Manager and as such the right of the Government *qua* Manager to recover the arrears of rent due from an

50

NOTIFICATION.

*Order No. P. 3367—Legis. 18-34-1, dated Bangalore,
the 7th—8th January 1935.*

Ordered that the accompanying Regulation further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the 31st day of December 1934 be published as Regulation No. V of 1934, in the *Mysore Gazette* for general information.

By Order,
S. ABDUL WAJID,
General Secretary to Government.

REGULATION No. V OF 1934.

*received the assent of His Highness the Maharaja
on the thirty-first day of December 1934.*

A Regulation Further to Amend the Mysore Land Revenue Code. 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows :— Preamble.

1. Section 129 of the said Code shall be numbered as sub-section (1), and the following sub-section shall be added thereto :— Amendment
of section 129.

(2) Where a boundary has been so fixed, the Deputy Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

Addition of a
new sub-section
166 (2).

2. Section 166 shall be numbered as sub-section (1) and the following shall be added thereto :—

Recovery of
rent, etc., due
during such
management.

“(2) The Deputy Commissioner or the agent or officer so appointed shall, during such management, be entitled to recover under the provisions of this Chapter all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or profit became due.”

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3

NOTIFICATION.

*Order No. P. 3367—Legis. 48-34-1, dated Bangalore,
the 7th—8th January 1935.*

Ordered that the accompanying Regulation further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the 31st day of December 1934 be published as Regulation No. V of 1934, in the *Mysore Gazette* for general information.

By Order,
S. ABDUL WAJID,
General Secretary to Government.

REGULATION No. V OF 1934.

*Received the assent of His Highness the Maharaja
on the thirty-first day of December 1934.*

**A Regulation Further to Amend the Mysore Land
Revenue Code, 1888.**

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows:— Preamble.

1. Section 129 of the said Code shall be numbered as sub-section (1), and the following sub-section shall be added thereto:— Amendment
of section 129.

“(2) Where a boundary has been so fixed, the Deputy Commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

SUBJECT.....

	Section.
	File No.
	Serial No.
Diary No. of letter replied to.....	No. P 3755 60 (4)
	To
General and Revenue Secretariat.	The Secy to the Secy
()	(1) H. E. G. the Vizier of
the 193 .	Hyderabad
	(2) ~~the~~ the Maharaja of
Date of issue 26/11/35	Tranconore
Signed by Mr C. S. I.	in the Genl. Dept.
	Sd/-
me Inqen and Safeguarding	I am directed to
Reg ⁿ , IV of 1934	forward herewith two
4 Reg ⁿ further to amend	Copies of the marginally
the Reg ⁿ d. R. C. 1888,	noted Reg ⁿ s
Reg ⁿ V of 1934	
List of enclosures.....	I have etc
Copied by 3 10/11/35	
Examined by	For Genl Secy
	23/1

SUBJECT _____

Section.

File No.

Serial No.

Diary No. of letter replied to _____

No.

Pol 795 E/118

To

The Secretary to-

General and Revenue Secretariat.

the Hon'ble the President

()

the 193

to

Date of issue 26-1-35

I am directed to

Signed by J. C. S. Dyer.

forward herewith nine

copies of each of the

Supra Instructions
Safe guarding Regn
IV of 1934

marginally noted Regulations

I have etc

Refⁿ for the to amend
the Mys Lands Rev Code, 1888,
Regⁿ II of 1934.

to
to Genl Secy

List of enclosures _____

Copied by _____

24/1/35

25/1

Examined by _____